

# Liberty

May 2000

\$4.00

Just Say No  
to the  
Census!

## John McCain: An Autopsy



## Child Abuse by the State

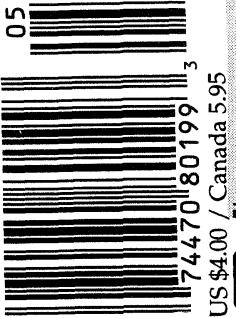
by Patrick Quinn

## The Feds Steal a Road

by Sandy Shaw and Durk Pearson

## Garry Wills: Extremist in the Defense of the State

by Matthew Brown



Also: R.W. Bradford and Robert Campbell on the incest-suicide scandal that rocked a famous conservative college, Stefan Herpel on killing for peace in the Balkans, David Boaz on how Congress rates . . . plus other articles, reviews & humor

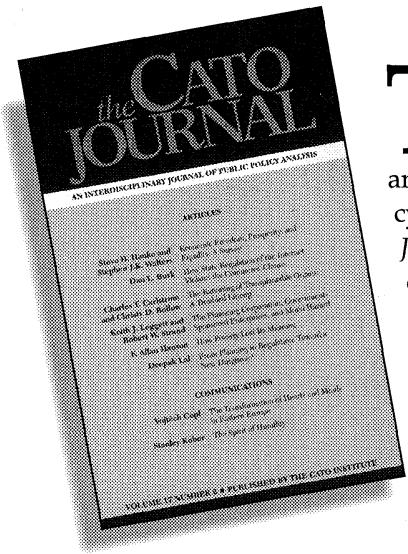
"Proclaim Liberty throughout the Land, and to all inhabitants thereof." —Leviticus XXV

# the CATO JOURNAL

AN INTERDISCIPLINARY JOURNAL OF POLICY ANALYSIS

“Exceptional in consistently publishing articles that combine scholarly excellence with policy relevance.”

—Milton Friedman



The *Cato Journal* is a unique, readable, and timely public policy journal designed for intelligent laypeople as well as scholars and policymakers. It provides well-reasoned analyses of important policy issues by leading scholars and policy analysts. Clive Crook of *The Economist* has called the *Cato Journal* “the most consistently interesting and provocative journal of its kind.”

Recent and forthcoming authors include James M. Buchanan, Steve Hanke, Emily Chamlee-Wright, Justin Yifu Lin, Douglass North, Charlotte Twilight, José Piñera, Anthony de Jasay, Jerry Jordan, Leland Yeager, Anna Schwartz, Walter Williams, Alan Greenspan, and Walter Wriston.

Order toll-free 1-800-767-1241 (noon-9:00 p.m. eastern time)

For only \$24 a year, you will receive three handsome issues of America's premier free-market policy journal, which Nobel laureate James M. Buchanan has called, “Handsome and a joy to read.”

YES! Please enter my *Cato Journal* subscription.

1 year (\$24)    2 years (\$45)    3 years (\$65)

Check enclosed (payable to Cato Institute)

Charge my:  Visa  MasterCard  Amex

Account # \_\_\_\_\_ Exp. Date \_\_\_\_\_

Signature \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Cato Institute • 1000 Massachusetts Avenue, N.W. • Washington, D.C. 20001

Please mail or fax to: 202-842-3490

R.W. Bradford  
*editor & publisher*

Stephen Cox  
John Hospers  
Jane S. Shaw  
*senior editors*  
Brien Bartels  
David Boaz  
Alan Bock  
Douglas Casey  
Eric D. Dixon  
Brian Doherty  
David Friedman  
J. Orlin Grabbe  
Bettina Bien Greaves  
Leon T. Hadar  
Gene Healy  
Robert Higgs  
Bill Kauffman  
David Kopel  
Bart Kosko

Richard Kostelanetz  
Loren E. Lomasky  
Sarah McCarthy  
Wendy McElroy  
Peter McWilliams  
Robert H. Nelson  
Randal O'Toole  
Ross Overbeek  
Durk Pearson

Dyanne Petersen  
Ralph Raico  
Bruce Ramsey  
Scott J. Reid

Sheldon Richman  
Sandy Shaw  
Fred L. Smith, Jr.  
Thomas S. Szasz  
Leland B. Yeager  
*contributing editors*

Kathleen Bradford  
*copy editor*

S.H. Chambers  
Rex F. May  
*cartoonists/illustrators*

Martin M. Solomon  
Clark Stooksbury  
*assistant editors*

Jon Kalb  
Jim Switz  
*computer consultants*

Peter Gillen  
*editorial intern*  
Sandra White  
*circulation*

Caroline Evanger  
*circulation*

May 2000

Volume 14, Number 5

## 4 Letters

Off the couch and onto the soapbox!

7 **Reflections** We perform an autopsy of the McCain campaign, call for the execution of Gary North, resist the census, trade blows with Al Gore, and pick on your grade school teacher.

## Features

17 **The Saga of Jarbidge Road** When the federal government tried to close a local road in Elko County, Nevada, local people went out with picks and shovels to rebuild it — and face a \$16 million fine. *Sandy Shaw and Durk Pearson* report.

19 **An Open Letter to the People of Japan** *David Kopel* explains why Americans ignore anti-gun petitions bearing Japanese signatures.

21 **How Congress Rates** Every special interest group has come up with a system for rating members of Congress. But what if your special interest is freedom? *David Boaz* searches for a libertarian in the House.

28 **The Lessons of Hillsdale** *R.W. Bradford* thinks we can learn from the incest-suicide scandal that rocked the famous conservative campus.

30 **Hillsdale as an Ordinary College** *Robert Campbell* looks at Hillsdale College and sees a private college that functions much like a state-run institution.

33 **Artists and the State** Government subsidy produces bad art, argues *Alan Bock*.

35 **My Roman Holiday** *Robert Higgs* vacations in Italy and returns with many of his possessions.

## Reviews

39 **Child Abuse by the State** *Patrick Quinn* explores the rise of scientific child-saving by progressive meddlers.

43 **Killing for Peace** *Noam Chomsky* agreeing with *Henry Kissinger?* *Stefan B. Herpel* studies the mixed-up world in the wake of the U.S. war on Serbia.

50 **Extremism in the Defense of the State** *Garry Wills* thinks that he has proven that American distrust of government is wrongheaded, but as *Matthew Brown* shows, he has actually proved the opposite.



53 **Notes on Contributors** Can't tell night from day without a program.

54 **Terra Incognita** Dispatches from the best of all possible worlds.

# How to Subscribe to **Liberty**

**Liberty takes individual freedom seriously . . . and the status quo with more than one grain of salt!**

Every issue of *Liberty* brings you news you can't miss, opinions you won't find anywhere else, and the best libertarian writing in the world.

*You won't want to miss a single issue!*

## Act Today!

*Liberty* offers you the best in individualist thinking and writing. So don't hesitate. You have nothing to lose, and the fruits of *Liberty* to gain!

Use the coupon below or call:

**1-800-854-6991**

Please enter my subscription to *Liberty* immediately!

12 issues (One Full Year) \$29.50

24 issues (Two Full Years) \$56.00

Add \$5 per year for foreign subscriptions.

name \_\_\_\_\_

address \_\_\_\_\_

city \_\_\_\_\_ state zip \_\_\_\_\_

I enclose my check (payable to *Liberty*)

Charge my  VISA  MasterCard

signature \_\_\_\_\_

account # \_\_\_\_\_ expires \_\_\_\_\_

Send to: *Liberty*, Dept. L85,  
P.O. Box 1181, Port Townsend, WA 98368

# Letters

## On Terminating Agreements (and Pregnancies)

Amy Brunvand's assessment of my essay, (Letters, April), was the typical knee-jerk reaction of one whose ox is gored with an inconvenient truth. While wearing the libertarian badge, Brunvand sings the liberal tune. One of the tactics a liberal will use to squelch contradictory thought is to brand the opposition with a label that conveys a negative connotation. As those who criticize "affirmative action" are often branded with the label of "racist," Brunvand brands me a misogynist for my unapologetic exposé of the fallacy and hypocrisy of the "freedom of choice" movement.

In an attempt to give her rebuttal a valid foundation, she creates a straw person with her statement, "It's hard to imagine more egregious coercion than allowing the State to force a woman to either maintain or abort a pregnancy against her will." Nowhere in the essay was such an idea even suggested or implied.

In an attempt to prop up the status quo, Brunvand fabricates a myth of an "age-old human agreement: Women will help propagate a man's genes into the next generation, and in return he is expected to pay at least some of the expenses for the child."

For argument's sake, we'll assume such an agreement did exist. Since an agreement relies on the participation of two parties working in concert toward a mutual goal, that agreement is now null and void because women have demanded, and have been granted, the "right" to terminate the "agreement" without regard to the wishes of the second party involved.

Ms. Brunvand's true colors are revealed when she claims that "The contract is made when the man consents to have sexual relations with a woman of reproductive age" while adamantly refusing to be held to the same

standard.

David Allan Roberts  
Gate City, Va.

## It Takes Two

Amy Brunvand (Letters, April) contradicts herself. Her criticism of David Allan Roberts' position is that the contract "women will help propagate a man's genes into the next generation, and in return he is expected to pay at least some of the expenses for the child . . . is made when a man consents to have sexual relations with a woman of reproductive age." A better wording would be "when a man and a woman mutually consent to have sexual relations." That would emphasize that it takes two people to form a contract, not just one, and both take on obligations.

Is this contract revocable? Can either party abrogate this agreement? Brunvand seems to say yes, if it is the woman who wishes to abrogate the contract: she doesn't wish the state, as enforcer of contracts, to "force a woman to maintain or abort a pregnancy against her will."

But if a woman can abrogate the contract, why should the other party not be able to do so also? If a woman can, at will, relieve herself of the consequences of the sex act, then morally, the man should also be able to do so.

Charles Kluepfel  
Bloomfield, N.J.

## L.A.'s Finest Gang

Egad, I am writing another letter. Your March 2000 issue is truly inspiring me.

William Tonso writes advocating the right of armed citizens to defend themselves against "gangs" composed "largely of young black and Hispanic males." All well and good, but what happens when the criminal gangs wear blue uniforms and their victims happen to be young black and Hispanic males? Out here in the Wild West town of Los

*Liberty* (ISSN 0894-1408) is a libertarian and classical liberal review of thought, culture, and politics, published monthly by the *Liberty* Foundation, 1018 Water Street, Suite 201, Port Townsend, WA 98368. Periodicals Postage Paid at Port Townsend, WA 98368, and at additional mailing offices.

**POSTMASTER:** Send address changes to *Liberty*, P.O. Box 1181, Port Townsend, WA 98368.

Subscriptions are \$29.50 for twelve issues. Foreign subscriptions are \$34.50 for twelve issues. Manuscripts are welcome, but will be returned only if accompanied by a self-addressed, stamped envelope (SASE). A writer's introduction is available: send request and an SASE.

Opinions expressed in *Liberty* are those of the authors and not necessarily those of the *Liberty* Foundation. Copyright © 2000 *Liberty* Foundation. All rights reserved.

Angles, we have just had another scandal in which it has been revealed that police officers systematically assaulted, robbed, framed, and shot innocent people, most of them young black and Hispanic males — i.e., the police were acting in ways indistinguishable from a “gang.”

Would Tonso perhaps advocate that young black and Hispanic males carry firearms and use them to defend themselves against the criminal acts of corrupt law enforcement officers? And more generally, would he advocate that, say, black motorists ought to use firearms to defend themselves against blatantly unconstitutional police actions such as profile searches and asset forfeiture?

It is easy enough to advocate that citizens use firearms against thugs, but what happens when the thugs are agents of the state? Is there to be a double standard, in which libertarians justify the shooting of young black and Hispanic males, but the agents of the state are to be above the law? What libertarians might want to do is, instead of shooting at young black and Hispanic males, work with them; you will find that they, too, are struggling against the same state as we are.

Joseph Miranda  
Northridge, Calif.

## Hitler, Stalin, Whatever

Although I agree wholeheartedly with much of Michael Drew's analysis (March), of Pat Buchanan's thesis in *A Republic, Not an Empire*, I take strong exception to his conclusions. Morally I think he is on the right track in pointing out that (1) America's involvement in World War II was the worst possible thing that could have happened to the Jews of Europe, and (2) our failure to allow them entrance into this country on a massive scale as political refugees, even if only temporarily, during the thirties and forties, was a horrendous and unnecessary tragedy. But I disagree with Drew's conclusion that a Eurasia dominated by Hitler and Japan would have been significantly worse than what we actually got, which was a Eurasia dominated by Stalin and Mao. This is true even though the former's borders would have been both further westward and further eastward.

Even if Hitler had atomic weapons,

Nazi's with nukes might not have been worse than Soviets with atomic bombs and intercontinental rocketry. Even if the Soviets were relatively more responsible, or cautious, we are now actually more insecure today than we might have been under a Japanese and German-dominated Eurasia.

We could have, as we did with the Russians, closely monitored German and Japanese activity. By limited military actions — commando raids or precision bombing — we could have taken

out their atomic weapons projects or missile facilities. In other words we could have still bombed say, Peenemunde, from fortress America or an island outpost such as Greenland, Iceland, Ireland or Great Britain, without necessarily declaring total war on the Axis powers, or without necessarily trying to liberate the Eurasian mainland.

Regardless of whether we had an obligation towards the Jews of Europe, certainly we had no obligation to the

## “The Independent Review is excellent.”

— GARY S. BECKER, Nobel Laureate in Economics

Transcending the all-too-common superficiality of public policy research and debate, *The INDEPENDENT REVIEW* is the widely acclaimed quarterly journal devoted to individual liberty and excellence in the critical analysis of government policy. Edited by Robert Higgs, *The INDEPENDENT REVIEW* is superbly written, provocative, and based on solid peer-reviewed scholarship.

Probing the most difficult and pressing of social and economic questions, *The INDEPENDENT REVIEW* boldly challenges the politicization and bureaucratization of our world, featuring in-depth examinations of current policy questions by many of the world's outstanding scholars and policy experts. Unique, undaunted and uncompromising, this is *the* journal that is pioneering future debate!

*“The Independent Review is the most exciting new intellectual journal in many years and one of the few with a profound commitment to liberty.”*

— WILLIAM A. NISKANEN, Chairman, Cato Institute

*“The Independent Review is of great interest.”*

— C. VANN WOODWARD, Pulitzer Prize-Winner, Yale Univ.

*“The Independent Review is excellent in both format and content, and is a most important undertaking for the cause of liberty.”*

— RALPH RAICO, Professor of History, SUNY Buffalo

*“It is a welcome relief to have *The Independent Review*, that comprehensively analyzes current issues from the standpoint of liberty and limited government. We are most fortunate to have the unique and powerful perspective of its scholarship and commentary.”*

— HARRY BROWNE, bestselling author

*“The Independent Review is distinctive in badly needed ways.”*

— LELAND YEAGER, Professor of Economics, Auburn Univ.

### In Recent Issues:

*Population Growth: Disaster or Blessing?*

— PETER T. BAUER

*Predatory Public Finance and the Origins of the War on Drugs*

— BRUCE L. BENSON AND DAVID RASMUSSEN

*Medicare's Progeny: The 1996 Health Care Legislation*

— CHARLOTTE TWIGHT

*Is Microsoft a Monopolist?*

— RICHARD B. MCKENZIE AND WILLIAM F. SHUGHART II

*Democracy and War*

— RUDY RUMMEL AND TED GALEN CARPENTER

*Liberty and Feminism*

— RICHARD A. EPSTEIN

*The Endangered Species Act: Who's Saving What?*

— RANDY T. SIMMONS

*Is National Rational?*

— ANTHONY DE JASAY

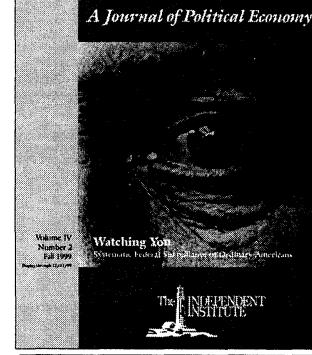
*Why Did the East Germans Rebel?*

— SUZANNE LOHMAN

*On the Nature of Civil Society*

— CHARLES K. ROWLEY

The INDEPENDENT REVIEW  
*A Journal of Political Economy*



- ◆ Feature Articles
- ◆ Debates
- ◆ Book Reviews
- ◆ Special Features
- ◆ Figures and Tables
- ◆ 160 Pages per Issue
- ◆ March, June, Sept. & Dec.
- ◆ Annual Index
- ◆ Plus more . . .

### Individual Subscriptions:

\$27.95/1 year, \$52.95/2 year

### Institutional Subscriptions:

\$83.95/1 year, \$158.95/2 year

### International Orders:

Add \$28/subscription shipping

### Order Toll-Free (U.S.)

**800-927-8733**

Phone: 510-632-1366

Fax: 510-568-6040

[review@independent.org](mailto:review@independent.org)  
<http://www.independent.org>



100 Swan Way, Dept. 9ZK  
Oakland, CA 94621-1428 USA

# About Your Subscription

**Q: When does my subscription expire?**

**A:** Please look to the right of your name on your mailing label. There you will find (unless you are getting a renewal notice) the number of issues left in your subscription, followed by the word "left," as in "3 LEFT."

**Q: I've moved. Where do I send my change of address information?**

**A:** Liberty, P.O. Box 1181, Port Townsend, WA 98368. Please include your previous address (it's best to send us your label from your magazine) and telephone number. Allow us six weeks to receive and process your address notification.

**Q: I'm receiving duplicate copies; what should I do?**

**A:** Take a look at both mailing labels, clip 'em out and send 'em to us. We'll make sure that you receive all the issues you've paid for.

**Q: I think you've charged my credit card incorrectly; what can I do?**

**A:** Call us at 800-854-6991 (during normal business hours on the West Coast) or email us at [circulation@libertysoft.com](mailto:circulation@libertysoft.com)

We'll take down your information and then try to solve your problem as soon as possible.

**Q: Can I change my address on your toll-free number, too?**

**A:** No. We must get your address corrections in writing, either by U.S. mail or by email.

**Q: Can I communicate with your fulfillment department by email?**

**A:** Yes; send your communications and queries to us at [circulation@libertysoft.com](mailto:circulation@libertysoft.com)

We'll try to get back to you as soon as possible.

The editorial offices can be reached at 360-379-0242.

Our sales and subscription fulfillment office can be reached at 800-854-6991 (foreign subscribers call 360/379-8421).

French or even the British, who were not threatened with total annihilation the way the Jews were. Think of the ultimate implications of what Drew is saying: that morally and strategically it makes sense to go to war to defeat one unstable madman (Hitler) in order to make the world safe for a stabler madman (Stalin).

Jonathan Miller  
Chevy Chase, Md.

## The Hemings Are Covered

The problem with "In Defense of The Fourteenth Amendment" by Roger Pilon (February) is that writers must contend is combining historical accuracy with today's political correctness. Mr. Pilon writes: "The 'promise' of the Declaration, as noted above, was that Americans would enjoy their natural rights to life, liberty, and the pursuit of happiness under governments instituted to secure those rights and do the few other things their constitutions authorized them to do."

That is essentially accurate, but the word "American" does not mean today what it did back then. The Declaration began with: "When . . . it becomes necessary for one people to dissolve the political bands which have connected them with one another . . ."

Even though it goes on with ". . . all men are created equal," the "one people" did not include all people who were here. The Preamble states, *inter alia*: "We the people of the United States, in order to form a more perfect Union . . . and secure the blessings of liberty to ourselves and our posterity, do . . ." [emphasis added.]

However magnanimous — or perhaps hypocritical — the Declaration's "All men are created equal" sounds, the "to ourselves and our posterity" in the Preamble could not have included any men other than the posterity of those who wrote and signed it.

James Harrold, Sr.  
Decatur, Ark.

## M-ty Criticisms

Ron Paul ("Greenspan, Go Home!", March) has fallen for the myth that Wall Street brokers, populist investment

advisors and the media have perpetuated, namely that Alan Greenspan has inflated the money supply. Problem is, it's not true.

Greenspan has acted in a perverse way to do just the opposite. There are four gauges for the money supply: Basic money supply, M1, M2 and M3. The basic money supply is the sum of the currency the Federal Treasury has actually released to the public plus the amount that the Federal Reserve Bank has lent to banks. It's the only one that the Fed can and/or has manipulated in many years. Turns out that currency is leaving the U.S. by the tons to pay for "illegal" drugs, to help foreign workers in the U.S. send money home, etc. This M1 is in places like southeast Asia and Russia. Offshore money does not affect the U.S. economy. If the currency weren't replenished, the American public would soon run out of cash to use.

M1 is the currency actually in the hands of the public plus what is in their checking accounts. It is what consumers can readily spend. It is a much better indicator of the money supply, but is harder to control since it's not clear how much currency is leaking out of the U.S. at any one time. M1 has increased from \$750 billion in January 1988 (around when Greenspan took over), to \$1,125 billion in December 1999. It was as high as \$1,151 billion in 1994, and has actually decreased since. Of late the figures have shown a modest increase.

M2 and M3 depend on investment decisions that individuals and corporations make. They are not easily influenced by the Fed.

A related issue is whether the Fed has acted to manipulate interest rates. Long term bond rates change depending on market conditions. As those rates change, the fed has changed its rates accordingly. Check the record. Long term bond rates started to go up long before the Fed changed its stance and started the latest series of increases. Greenspan is trying to run in front of the parade. After the recent interest rate increases that the Fed instituted in

*continued on page 38*

We invite readers to comment on articles that have appeared in the pages of *Liberty*. We reserve the right to edit for length and clarity. All letters are assumed to be intended for publication unless otherwise stated. Succinct, typewritten letters are preferred. Please include your phone number so that we can verify your identity.

Send letters to: Liberty, P.O. Box 1181, Port Townsend, WA 98368. Or use the internet: [letterstoeditor@libertysoft.com](mailto:letterstoeditor@libertysoft.com)

# Reflections

## *With further apologies to Cole Porter*

I get no kick from McCain.  
Mere alcohol doesn't faze him at all.  
So tell me why should it be true  
That he'll make all smoking taboo.

—Sheldon Richman

## *A society that prays together slays together*

**— Bruce Ramsey** missed the real beauty of Gary North's failed Y2K disaster scenario. In 1973's *Institutes of Biblical Law*, which North declared to be "the manifesto of Christian Reconstructionism," R.J. Rushdoony listed among those sins deserving of the death penalty . . . "prophesying falsely"! And how should we practically administer this punishment? Here North himself provides the answer: stoning. The man has his reasons: "First, the implements of execution are available to everyone at virtually no cost. [And second,] executions are community projects — not with spectators who watch a professional executioner do 'his' duty, but rather with actual participants."

What I wonder is, will North now turn himself over to his fellow Recons to be the first sinner subjected to this Mosaic-style justice? Will he invite the "community" of believers to cast their stones as punishment for his miscasting of the future?

—Barry Loberfeld

**— Tim Slagle**

**Coming to a polling place near you** — All the big-party presidential candidates are outspoken advocates of decency in Hollywood. Well, as of Super Wednesday, it looks as though the major candidates are going to be Bush and Gore; the same two things that garner a motion picture an R rating.

**Calling all eunuchs** — January 5th's *South China Morning Post* reports that "cynical voters" in the central Indian town of Katni have elected a eunuch as mayor, and three other eunuchs as councilors. Reports the *Post*, "Voters said that as male councilors had been useless, they had given eunuchs a chance to run the municipality." Prabhat Jha, senior Bharatiya Janata Party leader in the province, explained the eunuchs' victory as a result of popular disgust with established parties: "We are perceived as corrupt and inefficient. Things have come to such a pass that frustrated voters chose to experiment with eunuchs who were earlier looked down upon by most people." Hmm. In 1994, when the GOP took over Congress, tough talk, testosterone, and chest-thumping were the order of the day. Phil Gramm growled about "getting the people ridin' in the wagon to git out and he'p the rest of us pull." Newt Gingrich puffed out his chest until it almost cleared his waistline, and threatened to abolish the Departments of Education and Energy. Today, George W. Bush mewls about block-granting the National Endowment for the Arts out to the states, and plans to

expand the Department of Education. And John McCain's idea of machismo is to threaten to napalm anyone who wants to trim FDR's nanny state. The tough guys in the Republican party promised serious cuts in government. But when the time came to deliver, Republican officials found they lacked the stomach for them. I say we recruit some eunuchs to run for Congress. When you need some serious cutting done, why not turn to the experts?

—Gene Healy

**Count me out** — Every ten years, a uniformed representative of the U.S. government delivers to my door an epistle from an outfit called "U.S. Department of Commerce Bureau of the Census." It contains a list of questions that I am instructed to answer truthfully, under penalty of law. And so begins a struggle with my conscience.

I value my privacy and believe that one should give out personal information only on a "need to know" basis. If I am going to borrow money from you without collateral, you need to know my sources of income and I'll gladly provide them. If I seek employment from you, you need to know my experience, and I'll happily share it with you. But when the government wants to know whether I own my own home, and if so, whether I have a mortgage, I can see no good reason to answer.

I also find one of the census questions insulting: why does the government want to know both my "age as of April 1, 2000" and my "date of birth"? Did the Census Bureau's computers suffer some mysterious failure (perhaps Y2K-related) that makes them incapable of figuring my age from my date of birth? And why all this crap about my race? As far as I am concerned, my race is "human." And my sex? That's personal!

Not surprisingly, people have been reluctant to provide all this information, which has made the Census Bureau's job harder. This year, it is trying to change that by mounting a massive television campaign exhorting us to answer the questions so that we can get more government aid. This theme was pursued in the cover letter as well: answering these questions is "important to you and your community" because:

The amount of government money that your neighborhood receives depends on your answers. That money gets used for schools, employment services, housing assistance, roads, services for children and the elderly, and many other local needs.

As it happens, I don't think the federal government should be funding any of these activities, worthy though they may be. I think my neighborhood and community are both much better off if they finance these activities themselves, without the help (and regulatory interference) of the federal government. Further, I think this is an appeal to one of the basest human motives — the desire to get something for nothing.

So I have three reasons not to answer the questionnaire: I value my privacy, I do not want to help the federal government pursue policies that I am convinced hurt me and my neighbors, and I do not want to encourage the government to debase public morality. And I have one reason to comply: the law "requires that you answer these questions."

The alleged justification for this intrusion can be found in Article 1, Section 2 of the Constitution of the United States:

The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct.

An "enumeration," of course, is a count. It is not an interrogation about race, sex, and class.

In the past, I've generally dealt with the census in a passive-aggressive manner. I've "forgotten" to fill out the questionnaire and failed to notice strangers coming to my door, if indeed any did. This has worked splendidly.

My first impulse this year was to be more cooperative. I figured, in deference to the Constitution, for which I have enormous respect, that I might answer the one question that Article 1, Section 2 authorizes: "How many people were living or staying in this house, apartment, or mobile home on April 1, 2000?"

But I'm not sure that I'll do that.

For one thing, once I answer part of the questionnaire, they've got evidence that I actually received it and was aware that I had been ordered under penalty of law to answer the whole thing. For another, I learned a few days ago that someone (reportedly the Libertarian Party) is organizing a campaign to get people to answer only that question. I am an individualist, so I am dubious about the value of organized campaigns. My prejudice is for chaotic, uncoordinated individual action.

Not only do I suspect that organized campaigns benefit professional organizers more than anyone else, but I think that such campaigns are liable to result in a huge waste of resources. I've gotten a dozen emails in the past couple of days asking and offering advice. Several claim that the fine for refusing to answer the census is "only" \$100 — a small price to pay for taking a stand, and besides, the government hasn't fined anybody for refusing to answer its questionnaire in decades.

But I'm not so sure that these claims are right. If the organized campaign is successful — if the hoped for thousands and thousands of people join — the government will likely come down hard and exact the fine. If 5,000 libertarians refuse to answer the census and have to pony up \$100 each, the government will have an extra half million dollars with which to do its mischief.

I still don't know what I'll do, but the more I think about it, the better my old passive-aggressive response appears. So if you call me at home during the next few months, you may get my answering machine rather than my own cheery "Hello!" And if you knock on my door at a time when I don't expect you, there's an excellent chance that I may not hear your knock.

—R.W. Bradford

remains between the two parties. A good example is what happened in Michigan, where Democrats made an organized effort to get Democratic voters to vote for McCain in the Republican primary. As a result, about half the voters in that Republican primary were not Republicans. The Republicans overwhelmingly supported Bush, but the non-Republicans tipped the election to McCain.

Although Bush is no great candidate, he is (in our opinion) a lot better than McCain. Bush, for example, has promised an across the board tax cut, whereas McCain uses class-warfare rhetoric and proposes no tax cuts for the "rich."

There are (if we remember correctly) only 14 states that have an open primary. The only provision of the Constitution specific to the issue of political parties is the 24th Amendment, which says that the right to vote in a primary or other election for President or Vice President, *inter alia*, shall not be denied or abridged by the United States or any State for failing to pay any poll tax or other tax.

Political parties exist as voluntary associations and are protected by the First Amendment rights to free speech, free press, and free association. It seems clear that political parties have the right to define their philosophies, to recruit members, to hold meetings, and to choose candidates to represent that party in elections.

—Sandy Shaw and Durk Pearson

***The Church of the Regulator*** — The federal government continues to goosestep along. We gain in some areas, but lose in others, and sometimes it is hard to see that we are making progress overall against them. The one silver lining of the feds' overreaching is that, foolishly convinced they can get away with anything, they often overplay their hand.

A case in point: a proposal at the FCC would require that religious TV stations broadcasting as non-commercial educational stations include half of their programming on "educational, cultural or instructional" subjects. Programs on religious exhortation or proselytizing or statements of personal religious belief will not qualify. The FCC claims that these merely religious shows do not "serve the educational and cultural and broadcast needs of the entire community to which they are assigned." FCC Commissioners Harold Furchtgott-Roth and Michael Powell asked in dissent: "Why does the broadcast of an opera, which few Americans watch, serve the needs of the entire community while testimony about one's religious faith addresses only 'particular' specialized interests?"

Even Commissioner Susan Ness, who favors the new policy, admits that, under the FCC's case by case determinations, some religious sermons might be deemed "educational" while others would not. But how could you know? There is likely to be considerable difficulty for such an inherently arbitrary policy to meet the Administrative Procedure Act's requirement that regulations be spelled out so that the regulated class understands what is required of them (e.g. that the rules have a defined meaning that does not change from day to day and from case to case, at the whim of bureaucrats). The Courts frequently strike down as "arbitrary and capricious" rules that agencies make to give themselves total discretion. However, the much more serious problem the FCC faces is the First Amendment that says, in part, that "Congress shall make no law respecting an estab-

***Primary dolors*** — The open primary system — where Democrats can help choose the Republican candidate and vice versa — is a serious threat to what little difference

# Liberty

## Greatest Hits

Let's face it — time is a precious resource. So why waste it? Whether you spend too much time in your automobile or you have time to kill at home, wouldn't you rather be using it productively? That's why we offer our most popular talks ever, available on audio and video cassettes. Take a look at the selection below, and remember — when you're listening to a *Liberty* speaker, you're never wasting time.

**Anarchy Via Encryption** • New encryption technologies are going to revolutionize the world by making absolute privacy possible for the very first time. **David Friedman** explores the encrypted world of the near future. (audio: A116; video: V116)

**What Libertarians Can Learn From Environmentalists** • **Randal O'Toole** has worked with environmentalists for years, observing the strategies of one of the centuries most successful political movements. In this fascinating talk, he applies his insights to the battle for freedom. (audio: A152; video: V152)

**Sexual Correctness** • A new breed of feminist has declared war on individual liberty, in the process undermining women's autonomy — the very value they claim to uphold. **Wendy McElroy** runs down the latest illiberal court precedents and speaks up for the civil liberties of men and women alike. (audio: A155; video: V155)

**Searching for Liberty Around the World** • Whether you're fed up with encroachments on your liberty, or just interested in opportunities ranging from Nicaragua (!) to Hong Kong to Zambia, this is the tape for you. Hear **Doug Casey**, *Investment Biker* author **Jim Rogers**, international journalist **Bruce Ramsey**, and travelers **Scott Reid** and **Ron Lipp** — the men who've been there. Includes a special discussion of the problems of escaping the IRS. (audio: A103; video: V103)

**Selling Liberty in an Illiberal World** • **Fred L. Smith, Jr.** offers a revolutionary approach to spreading Libertarian ideas, and explains how to frame issues for maximum appeal. (audio: A410; video: V410)

**How to Write Op-Eds and Get Them Published** • Join former *Business Week* editor **Jane Shaw**, *Orange County Register* senior columnist **Alan Bock** and *Seattle Post-Intelligencer* business reporter **Bruce Ramsey** for a workshop on how you can air your opinions in the newspaper. Learn Jane's six points that will send you on your way to publication, and hear the one phrase which Ramsey says is taboo at his paper. (audio: A412; V412)

**Making Terror Your Friend** • In a world overrun with authoritarian creeps, **Douglas Casey** highlights the attitudes and techniques that set him apart from the controlled masses. (audio: A418; Video: V418)

**Does the Libertarian Party Have a Future?** • **R.W. Bradford** makes a powerful case that the LP is failing to

advance freedom, and suggests a controversial new approach that could lead to a political breakthrough. (audio: A408; video: V408)

**Using the First Amendment to Smash the State** • **Durk Pearson** and **Sandy Shaw** tell how they've used the First Amendment to wage total war against the FDA. (audio: A417)

**Why the Great Depression Lasted So Long** • **Robert Higgs** explains how government, not free markets, caused the Great Depression; how the New Deal prolonged it, instead of curing it; and why World War II didn't bring the Depression to an end. (audio: A216; video: V216)

**The Liberty Group** • **R.W. Bradford**, **Tim Slagle**, **Fred Smith**, **Alan Bock**, and **Durk Pearson** look at the hottest topics of the day and presciently analyze the current political madhouse and slaughter sacred cows with abandon. You listen to conservative and liberal pundits on the radios and television. This is a fast paced journey of libertarian commentary. Find out how libertarian pundits measure up! (audio: A401; no video available)



### Yes!

Please send me the following selections from *Liberty's Greatest Hits* conference tapes.

- Please send me all of the Greatest Hits audio tapes for only \$57.95 — a savings of more than 24%!
- Please send me all of the Greatest Hits video tapes for only \$164.95 — a savings of more than 24%!
- Please send me the following tapes for \$6.95/audio or \$19.95/video.

I enclose my check (payable to **Liberty**) shipping & handling \$3.00

Charge my:  VISA  MasterCard total enclosed: \_\_\_\_\_

name \_\_\_\_\_

address \_\_\_\_\_

city, state, zip \_\_\_\_\_

account # \_\_\_\_\_ expires \_\_\_\_\_

signature \_\_\_\_\_ phone \_\_\_\_\_

Call (800) 854-6991 — or send to: **Liberty**, Dept. L85,

PO Box 1181, Port Townsend, WA 98368

lishment of religion or prohibiting the free exercise thereof; . . . " If the FCC can decide what is and what is not an acceptable expression of religion on a TV program — and how much they can express — that means the FCC has power over the "establishment" of religion and is prohibiting the free exercise thereof.

Can they get away with it? Not if somebody with standing (and money) brings a well-reasoned First Amendment suit against them. We can only hope it happens, since we do not have standing for such a suit, nor do we have the money for it. (We have frequently wondered what we could do with \$10,000,000 and a free hand to bring suits against the feds. . . . Ah, but it is only a fantasy.)

—Sandy Shaw and Durk Pearson

**Teacher, leave those kids alone —** To the pessimistic among us, it sometimes seems as if the late twentieth century has been a horse race between two competing dystopias: Huxley's and Orwell's. For a good part of the century, Orwell held a length-and-a-half lead. But the happy events of 1989-91 — the collapse of communism — made the *Nineteen Eighty-Four* scenario less menacing in the short term. As we move into the new millennium, the smart money's on Huxley, as illustrated by a recent item in the *Washington Post*.

January 4th's *Post* details the hottest new program among American educators: "No Putdowns," which is being taught in public schools in 40 states. "No Putdowns" aims to inoculate students against verbal negativity. What's a "Putdown"? As the *Post* article notes, it's "any critical remarks, sneering, mockery, a sarcastic tone of voice — any 'words or actions used as weapons.'" The tykes subjected to this program learn a five-step method that will shield them against the jeers of their peers: "Think About Why, Stay Cool, Shield Myself, Choose a Response, and Build Up."

At Benfield Elementary School in Anne Arundel County, Maryland, the program slogan "No Putdowns — Pass It Around" is posted around the school like the wise sayings of Kim-Il Sung, and "everyone has buttons with the same catchy line." Children from kindergarten to the fifth grade have a 20-minute "lesson" in "No Putdowns" every day. Benfield guidance counselor Suzan Cotter declares that "No Putdowns" is working: "Our Media specialist had an incident with a child, and all she had to do was tap her No Putdowns Button. The child knew just what she meant." You've seen the bumpersticker "Mean People Suck"? Education professionals think that's profound, and they've got your kid. Education professionals have a key role to play in Aldous Huxley's *Brave New World* as well. The denizens of Huxley's dystopia receive public schooling in its most intensive form: from the cradle (or test tube) onward, it's total education for the total state. Critical thought and negativity are slaughtered in the womb, or, failing that, on the playground. Dissent, after all, is unpleasant, and as World-Controller Mustapha Mond explains: "There isn't any need for a civilized man to bear anything that's seriously unpleasant." The solution to agitation, discomfort, and dissent is medication. "A gramme is always better than a damn," as the lovely, "pneumatic" Lenina says.

Are we that far from Huxley's dystopia? In public schools today, those who display boyish precociousness are fed Ritalin, and pigtail-pulling is punished with sexual harass-

ment re-education. Huxley's vision of "Death Awareness Education" has already made it to some schools, and mutual masturbation lessons (to listen to Joycelyn Elders and Naomi Wolf) can't be far off.

Consciously or unconsciously, education professionals and public school administrators, like the controllers in *Brave New World*, are building a more pliant citizenry. The New Socialist Person they seek to create will be a self-absorbed, ignorant, androgynous, humorless, pollyannaish wanker. But (s)he will be a dependable taxpayer, and no threat to consensus. "Critical remarks, sneering, mockery, [and] a sarcastic tone of voice" — the behaviors which No Putdowns aims to eradicate — are essential to maintaining a free society. Moreover, for some of us, they're essential to maintaining our sanity. A regime that enshrines "tolerance" but won't tolerate cantankerousness is a regime that independent minds can not long bear. And that, likely, is the point.

If the professional educators have their way, the brave new world that's coming will be a hostile environment for anyone with a sharp wit and a wiseass attitude. The Nurse Ratcheds that mold young American minds will keep watch for signs of dangerously independent thought, and they'll make sure everyone takes his pill. (Is it just a coincidence that the public figure bearing the closest resemblance — personally and politically — to Nurse Ratched, Hillary Clinton, made the announcement for her Senate campaign before New York's largest teachers' union?) In the world of "No Putdowns," obscenities carved into a school desk surface, and an upraised middle finger to the teacher's back are acts of the sublimest rebellion. And the little punks who perform them are patriots and heroes.

—Gene Healy

***Thou dost protest too much —*** So what should Dubya have said at Bob Jones University? Should he have whipped out his Bible and told the audience, "Y'know, you folks are reading the Bible all wrong. Miscegenation is *not* prohibited, and the Catholic Church is *not* the 'great whore' of Revelations 17"? Isn't it amazing how people are more upset over Bush's failure to denounce BJU's "bigotry" than they are over the thought of office holders telling religious denominations what their theology should be?

And exactly what bigotry are we talking about? Anti-Catholicism? Excuse me, but isn't Catholicism precisely what Protestants protest? Theological differences now constitute "bigotry"? If so, why not insist that campaign-trail

## The Gay Comedy Club



"It just isn't working out — we can't find any straight men."

politicians denounce the general Christian principle that those who die without Jesus are going to Hell? And if it's "anti-Catholic bigotry" to question the Catholic Church's stand on the Eucharist, is it also bigotry to question the Church's stand on contraception and homosexuality? Better yet, should politicians now denounce at Catholic schools the Vatican's prohibition of same-sex unions? Should they decry the Church's sexual discrimination in the hiring of its clergy? And the bottom line: Should the IRS revoke the tax-exempt status of Catholic institutions because of such policies — *just as they did with Bob Jones University*?

I ask that last question because tax-exempt status is granted as an application of the Constitution's freedom of religion and non-establishment clauses. It has been revoked in the case of BJU because of . . . what? A theological position that the IRS has decided violates "civil rights"? Worse, why must the liberties of the Constitution yield to the apparent juggernaut of contemporary "civil rights" theory? The freedoms of ownership and association have already given way, so is freedom of religion next? And if so, what's left to protect freedom of speech, which is currently under a "civil rights" assault by both academic theorists and leftist activists?

Libertarians love to take positions that *zing* the uninitiated. Arguing for restoration of the tax-exemption for Bob Jones University might be one case that could be good for more than just a raised eyebrow.

—Barry Loberfeld

**And some dogs roll over** — Well, he did it. Bob Jones University President Bob Jones III went on Larry King and told the world that his school's ban on interracial dating has been rescinded. Presumably it will now be granted a tax exemption. Whatever. My eye, though, will be on those self-styled "civil libertarians." You may recall their ire in the mid-80s over Southland Corporation's removal of *Playboy* from 7-11 stores. The only reason why Southland did this, they claimed, was because of intimidation from the Meese Commission on Pornography. It didn't matter that there was no outright legal action against Southland; the mere expression of disapproval by a government agency was considered censorship enough, a violation of freedom of speech.

So, what will they say about BJU's freedom of *religion*? Was Bob Jones III "really free" to make his decision? Does "freedom" now consist of doing what the Ministry of Truth "suggests"? As Orwell observed, "Circus dogs jump when the trainer cracks his whip, but the really well-trained dog is the one that turns his somersault when there is no whip." Of course, how well that fits the matter at hand comes into question when we recognize that the IRS is one hell of a whip.

—Barry Loberfeld

**Fighting words** — "I will fight for you," Al Gore promises. In numerous sound bites his voice rises to a seemingly maniacal shout. His favorite word rides on weird rumbles from deep in his throat. Gore will fight for children, fight for senior citizens, fight for families, fight for health care, social security, a pristine environment — whatnot. A huge banner behind him as he spoke on the evening of Super Tuesday read, "Join the Fight".

All this betrays a particular conception of government. Ideally, in the contrasting conception of economists of the

Public Choice school, government is a trading mechanism, a device for making mutually advantageous deals that could scarcely be reached on the ordinary private market. These economists recognize and investigate how government in the real world diverges from their ideal. But Al Gore rejects even their ideal. For him, government is not a search for mutually advantageous compromises. It is not negotiation. It is fighting. He glories in it.

From what adversaries will Gore wrest the benefits he promises? Hardly from the Klingons. Gore will lead a fight of some Americans against others. His message is forcible redistribution; it is class warfare. Fighting is destructive, the opposite of the creation of wealth. Yet Gore seems not to recognize this. In him, the notion of government as fighting is too deeply ingrained.

—Leland Yeager

**A mild-mannered, well-balanced psychopath** — Last month, I meditated in these pages about John McCain. "There's something dark about him that's worrying," I wrote. "Somehow he scares me a little: he seems like the sort of man who could use the 'mandate' of an electoral victory to do something really crazy." I went on to say that if I had to choose between him and George W., I'd take George W. in a minute.

Oops! What was I thinking?

Has there ever been a president who was less "dark" and scary than George W.'s daddy? A friend of mine described George H.W. as the sort of man who would be a vestryman in the Episcopal Church — honest, temperate, decent. Yet as president he did some of the craziest things any president ever did:

- He invaded a sovereign nation to arrest its president for violation of U.S. law while outside of U.S. jurisdiction.
- He started a war in the Middle East with the ostensible purpose of protecting our oil supplies and getting rid of the

## Attention: Editors, Writers, Journalists:

*Liberty* seeks to fill an editorial position with an individual with excellent editorial skills, including manuscript evaluation, working with authors, line-editing, and copyediting.

The successful candidate will be well-organized, adaptable, accustomed to meeting publication deadlines and able to flourish in a non-hierarchical work environment. Experience with desktop publishing and web publishing would be a substantial plus. Salary commensurate with experience and ability.

If you have the needed ability and an interest in working for *Liberty*, send your resume and salary requirements to R. W. Bradford, *Liberty*, P.O. Box 1181, Port Townsend, WA 98368.

"madman" Saddam Hussein — and somehow managed to win the war without achieving either goal.

• He is responsible for passage of the Americans with Disabilities Act, one of the most pernicious laws ever enacted.

• After being elected on a solemn promise not to raise taxes, he engineered one of the largest tax increases in American history.

All this in one term.

McCain may be a self-righteous hypocrite with a hair-trigger temper. But could he possibly do anything crazier as president than an honest, decent, moderate, calm, rational, unflappable man like George H. W. Bush did?

Presidents often perform contrary to any sensible expectation one might have. Woodrow Wilson ran for re-election on the slogan "He kept us out of war," then got the U.S. involved in the horrors of World War I. Rich boy Franklin Roosevelt ran on a platform calling for defending the gold standard, then abandoned gold and set the country on an inflationary course that destroyed much of the wealth of his own social class. Former Supreme Commander of Allied Forces Dwight David Eisenhower steered a peaceful course through dangerous times and concluded his presidency by warning Americans about the dangers of the military-industrial complex. Arch-anticommunist Richard Nixon opened up relations with Red China. Ronald Reagan ran for office promising a balanced budget even if it meant refusing to spend money Congress had appropriated, then in just eight years tripled the debt the federal government had accumulated in the previous 192. Hyperdemagogue Bill Clinton promised to socialize a sixth of the U.S. economy, then cut welfare and announced that "the era of big government is over."

McCain's candidacy is finished, as I predicted last month, and the race today is between two middle-of-the-road stuffed shirts. Who knows what lunacy they'll inflict on the world?

My apologies to you, dear reader, for forgetting the perverse nature of American politics.

—R.W. Bradford

**The old man's man** — The extensive and worshipful coverage by the American media of Republican White House aspirant John McCain has created the perception of the Senator from Arizona as this year's "cool" presidential candidate, kind of the MTV nominee of the 2000 campaign. This is the guy who is challenging his political party's "establishment" and those religious crackpots, who is a "reformer" and a "straight talker" (hey, his campaign bus has been

named The Straight Talk Express), and who has this very impressive record as a "war hero" (well, his war experience was very, very short; but he did spend several years in a North Vietnamese prison camp). He is married to this very cute lady, has adopted an orphan girl from Bangladesh, seems to have a sense of humor and is clearly more intelligent than George W. Bush (which doesn't say a lot, I suppose; but those are our current low standards).

Well, if he so hot and groovy, you would expect McCain to be the darling of Generation X and the Internet crowd, the candidate of Silicon Valley types. Right? Wrong. In fact, the voter who is most likely to cast a ballot for the Republican presidential "insurgent" is a white male, between the ages of 60 and 90, who served in World War II or in the Korean War, who is a member of a labor union, and tends to be conservative on social and cultural issues, an advocate of Big Government, and very hawkish on foreign policy. Does that sound to you like the Portrait of the New America?

John McCain can be best described as the Black & White TV Candidate, kind of the "Father Knows Best" for many Americans, disoriented by globalization, technology, immigration, "lack of leadership," not to mention "chaos" and "anarchy."

That McCain is the Candidate of Nostalgia explains also why so many of Washington's Neocons, including William Kristol and David Brooks of *The Weekly Standard*, seem to have developed a crush on the guy.

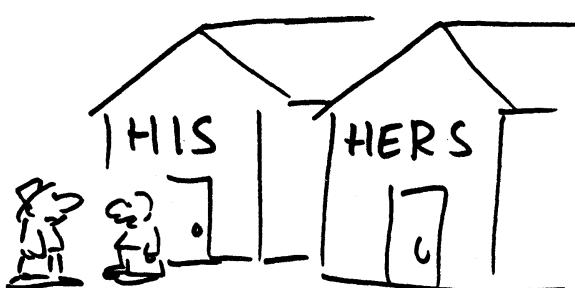
Well, there is something depressing about Washington these day. Many pundits feel marginalized by what's happening on Wall Street, in Silicon Valley, and even in Northern Virginia, where AOL and other Internet wonders seem to be eroding the power of the members of our political and media classes. Hence their fantasy that McCain would become the new FDR or JFK, make Washington "relevant" again. There will be excitement in the air, like in the good old days when Kennedy invited "Teddy" White to a private dinner in the White House and briefed him on the recent talks with the Soviets, McCain will now be schmoozing Bill Kristol, revealing to him his secret plans to nuke Pyongyang. There will again be those long nights of burning oil in the situation room in the White House, those black and white pics of McCain and Press Secretary David Brooks pondering the risks as they prepare the attack on Iran. There will be that feeling that we and not those geeks in Seattle are The Masters of the Universe. There will be action, an Imperial President that makes us so, so proud, so powerful, so manly, so, so, so . . . Yes! Yes! Yes!

Well, sorry puny, little men, it's back to reading *The Weekly Standard* — that "little magazine," as Pat Buchanan described it — to get some momentary post-Cold War gratification. But maybe next time, in 2004 or whatever.

—Leon Hadar

**The littlest megalomaniac** — A friend of mine, who once worked for an Arizona congressman, told me a joke that Arizonans on the Hill like to tell about John McCain. When the Senator's name came up in conversation, someone would occasionally deadpan: "He was a war hero, you know."

Yes, John McCain was a war hero, and neither he nor his media fan club would let you forget it during McCain's pres-



"Well, it all started with towels . . ."

idential bid. John McCain's a real hard guy, he doesn't mind, telling you, and his war record proves it. McCain's tough enough to take on the Jesus-squeezers of the Christian Right, as well as those timid libertarian types who would let the First Amendment stand in the way of a good campaign finance bill. When Michigan Governor John Engler complained about McCain using Democrats to hijack the G.O.P. primary in that state, the senator snarled: "My advice to Governor Engler: be a man." You could almost hear the rest of this diatribe, as it echoed in McCain's head (along with the whirring of helicopter blades and Jim Morrison singing "*The End*"): "Shut it, fat boy. How long do you think *you'd* last in the Hanoi Hilton without your nightly box of Dove Bars?"

McCain's tough-guy posturing and gratuitous trumpeting of his war record resonated particularly well with neo-conservatives. Bill Kristol, David Brooks, et al, swooned over the candidate like preteens at a Ricky Martin concert. But in a February 25, column in the *Washington Post*, neocon Charles Krauthammer outdid them all. Krauthammer explained the Significance of the McCain Moment, and in the process descended into self-satire. John McCain, you see, is Jesus Christ. Of McCain's war experiences, Krauthammer wrote: "He suffered for our sins. He did not die for them, though he came very close. At a subliminal level, this suffering has become in the public imagination a kind of expiation for the war itself." Oh, Jesus. As Justin Raimondo of anti-war.com likes to say: "Are we to be spared *nothing*?" Even state-worshipping leftists have enough good taste to wait until a president is assassinated or at least elected before they start to deify him. And since when did a Beltway hawk like Krauthammer think we had any sins to expiate from Vietnam, anyway? What is he referring to, our shameful failure to nuke Hanoi?

However disappointed we might find ourselves with the two major party candidates, we ought to be thankful that the McCain bubble has burst. At best, the man is a loudmouthed thug who inspires hysterical adulation among people who confuse boorishness with "straight talk." At worst, he's dangerous. February 27th's *New York Times* tells us that McCain's childhood hero was Napoleon Bonaparte. McCain shares many qualities with his childhood idol: he is arrogant, impetuous, power-hungry, short-tempered and short (5'7"). It was bad enough having an overgrown, incontinent child like Clinton in command of the most powerful army in the world. The last thing this country needs is a president with an authoritarian personality and a Bonaparte complex.

—Gene Healy

**Bummer, man** — Ralph Nader announced his intention to run for president on the Green Party ticket, and according to CNN is the only announced third party candidate. Ironically, Ralph Nader is the man most responsible for the demise of the VW Micro-Bus and Beetle, the #1 and #2 transportation choices of environmentalists. —Tim Slagle

**An uncommon problem** — Outraged by increased private funding for academic research and the proliferation of licensing agreements between universities and private firms, Eyal Press and Jennifer Washburn of the Open Society Institute write in *The Atlantic Monthly*: "The prolif-

eration of ownership claims threatens not only to stifle the free exchange of ideas but also to impede economic growth. James Boyle, an expert on intellectual property law at American University, warns that if current trends continue, 'creators will be prevented from creating,' as the public domain is 'converted into a fallow landscape of walled private plots.'" That must be why we hear so much about the triumph of the commons.

—Matthew Brown

**The inclusive inquisition** — Just when you thought that American politicians could not possibly get any more hypocritical, just when you thought that we had witnessed every form of two-faced puritanism that could possibly be invented, along came John McCain.

The former war hero, now turned whining sissy, discovered that George W. Bush gave a speech to a group of Protestants who actually (not merely officially, like most other Protestants) believe that the Pope of Rome is something less than God's favorite human being. These Protestants (who, by the way, are both white and black) also adhere to the old-fashioned and cruel but still prevalent idea that it is "best" for young people not to "indulge" in "interracial dating." Senator McCain insisted that Governor Bush not speak before such people, or if he did, that he preface his remarks with a "denunciation" of their beliefs. By not doing so, Bush revealed himself as a traitor to the great "inclusive" Republican Party, "the party of Lincoln." And that's what little Johnny ran to tell the teacher.

Well, yes, I can see it now. Governor Bush rises to address his audience at Bob Jones University, quiets the polite applause, and intones the following words:

Thank you for honoring me with your invitation to address you today. I want to speak about the great American ideal of inclusiveness. I want to share with you my pride in the fact that all people, no matter who they happen to be, are equally welcome in the Republican Party. The life of our party, the life, indeed, of our republic, consists in the willingness of each of us to work with people of all kinds and to see the best in everyone. But before elaborating on this theme, I want to tell you something else. I want to tell you that your version of Christianity is totally abhorrent to me and to all other right-minded human beings, and that your social policies are, in my view, still more degenerate and false. You are, in every aspect of your social and religious being, a disgrace to the American idea. I have come here to denounce you, and also to assure you that you, and all other imaginable kinds of people, have a vital role to play in the Republican Party. Welcome aboard!

That, truly, would be a fresh approach to politics. But if that approach is followed, it should not be followed half-heartedly. It should be pursued vigorously, and on all occasions. When Governor Bush speaks to the gay Republicans of the Log Cabin Clubs, as many in his party are urging him to do, he should begin his remarks by saying:

Thank you for welcoming me here. I invite your support in my coming campaign. We share many values. There is an important role in our party for all people, men and women, black and white, straight and gay. But first, I am honor-bound to be honest with you about your sexual practices, which seem to me abnormal and disgusting.

On the other hand — and this appears quite likely — Governor Bush may harbor no such bad moral feelings about

homosexuality. He very probably regards it as a morally empty issue, the kind of thing that people in the bargain-basement churches are always stirring up a fuss about. He probably thinks they're stupid and mean-spirited to do that. Perhaps, then, he should begin his speeches to Southern Baptist audiences by saying:

I appreciate your kindness in listening to me today and inviting me to your beautiful church. I want to talk to you about your importance to the Republican Party, and to solicit your help in the coming election. It is my fervent hope and prayer that all people of faith will rally to our standard as we try to restore some sense of decency to the nation's capital. But first I need to tell you exactly what I think of your small-minded, bigoted, medievally silly approach to private matters of sexuality. And I must add some straight talk about your theological prejudices, which strike me, an Episcopalian, as very good reasons to regret that I have to live in the Bible Belt.

I wonder whether Senator McCain, who represents the conservative state of Arizona, has ever spoken before people who might conceivably have some religious objection to divorce. (He himself is a divorcee.) I suppose he has. And I suppose that he, as the Casey Jones of the Straight Talk Express, began his remarks in this way:

Listen up, you bigots! Your prejudice against sexual freedom revolts me to my core. Your vile intolerance is a disgrace to all Americans. I denounce you from my heart, and I hope that my denunciation is published on the front page of every newspaper in this state. Anyone who would appear on this platform and not denounce you is an even more revolting example of humanity than you are. But my theme tonight is inclusiveness. Our party gladly welcomes people of all creeds. Thank you so much for asking me to visit you here in Knights of Columbus Hall.

Of course, the really amusing thing about McCain's perfection of political correctness is the absurdity of his constant references to Lincoln as the ideal toward which we all must strive. Lincoln had no compunctions about addressing audiences that were chock-full of real and virulent racism. So, far from denouncing his listeners, he did his best to allay their fears that he was not himself a racist. He advertised his belief that black people were culturally inferior to whites and could never live among them.

Almost equally amusing is the behavior of the Democratic Party potentates, who eagerly seconded McCain's invective against Bush's lack of denunciatory inclusiveness. Many of them paused in the midst of their friendly colloquies with ethnic nationalists and gender-segregated religious groups to sling mud at Bush for speaking to people at Bob Jones University. But Bill Bradley, whose righteousness always passeth understanding, tickled me especially. In his concession speech, he quoted (actually, he slightly misquoted) some nice lines from Kipling's poem "If." No one noticed, because no one ever reads anything, that the bard on whom Bradley relied for lyrical effect was the leading poet of imperialism, the author of "The White Man's Burden" and other horrifyingly retrograde works. Surely, the Senator should have prefaced his quotation by saying: "I want to take this occasion to denounce the unmitigated depravity of Rudyard Kipling, a man

who believed that England and America have a duty to civilize the rest of the world. Having said that, I will now incorporate Mr. Kipling's remarks into my continuing crusade for inclusiveness."

—Stephen Cox

### **Coming to a polling place near you —**

Why does virtually everyone advocate dumping the Confederate flag? Because a parade of African-Americans protested the Stars and Bars with the slogan "Your Heritage Is Our Slavery." Well, what happens tomorrow when a parade of Native Americans protests the Stars and Stripes with the slogan "Your Heritage Is Our Genocide"? What will Gore and Bradley, among others, say? After all, what else do those fifty stars represent but lands that were brutally taken away from the native peoples? Upon realization of this, will the call go out for a new flag for our new "multicultural" nation? (Mind you, we have to be very careful here: one man's *reductio ad absurdum* could become another's logical conclusion.)

—Barry Loberfeld

**Check your propositions —** In most respects, the California election of March 7 turned out in exactly the way you would expect it to turn out. Gore and Bush were endorsed by large majorities, and the usual boatload of idiotic measures were passed; e.g., subsidies for veterans' housing, "antigang" laws that would license new police high-handedness in minority neighborhoods, and a law that imposes draconian punishments on people who kill college security guards. I am certain that the next few California elections will result in the passage of special penalties for the killing of crossing guards, librarians, soccer moms, and the people who call you up at dinner time to offer you reduced rates at exercise salons.

Also predictable was the passage of Proposition 22, which restricts marriage to heterosexual couples. Libertarian opinion is divided on the issue of gay marriage, but I believe that most libertarians are in favor of legalizing it and were therefore opposed to Proposition 22. It is an interesting issue, one that produces very interesting debates about the meaning



and application of individual rights. What is not so interesting — in a good way, at least — is the manner in which the opponents of Prop 22 went about their task of defending individual rights to the marriage contract.

They knew they were going to lose, so they should have had no temptation to compromise the individual-rights theme by appealing to any other issue. But no! The wave of smarm that sweeps over every American electoral contest caught up with them too. Their signs and brochures read: "FOR FAMILIES: NO ON 22."

For "families"? Please. If it's wrong for Jerry Falwell or Focus on the Family to try to get me to vote their way just because Adam and Eve were a family, then it's wrong for the anti-Prop 22 people to try to get me to vote their way just because Adam and Steve are also a family. The whole point should be to get government out of the business of deciding about "families." But of course, this sort of propaganda is simply an attempt to spin and confuse.

The really exciting, because uncertain, campaign in California was the effort to pass another proposition, no. 26, which was a wicked scheme to substitute a simple majority for the current requirement of a two-thirds majority needed to raise property taxes for schools ("For Kids," "For the Family"). This one, thank God, was defeated by a 2 percent margin.

Seven years ago, however, when the state was in serious economic trouble, a similar proposition got only 30 percent of the vote. The capitalist system is often a victim of its own success; in prosperous times, people are willing to shovel more money into the government's rapacious maw.

The two greatest sources of funding for the nearly-victorious Prop 26 were the teachers' union (of course) and a couple of Silicon Valley businessmen who each contributed \$4 million in the effort to make poorer people give up billions more of their own funds. How right were the early libertarians — Isabel Paterson, Rose Wilder Lane, and Ayn Rand — to distinguish between capitalism (good) and the capitalists (\*%!&\*). There is some good news, though. The proponents of Prop 26 shelled out a total of \$22 million for their doomed crusade. Their gallant opponents produced a victory with only \$1.4 million. There is hope for the common people still.

—Stephen Cox

**Closer than Lourdes** — During the Super Bowl, fans were impressed to see Christopher Reeves get up out of his wheelchair, and appear quite agile, thanks to computer animation. Probably the person most interested in the computer stunt was Democratic candidate Al Gore, who found new hope for his image.

—Tim Slagle

**Atlas Cast** — Albert S. Ruddy, producer of the movie based on Ayn Rand's *Atlas Shrugged* (tentatively scheduled to premiere on Turner Network Television in 2001), has received many suggestions for casting the movie, but he's told *USA Today* he has his own ideas. Ruddy, who may not have reread Rand's novel recently, seems fuzzy about how old some of the characters should be. He would like to consider 28 year-old, green-eyed Jude Law (*The Talented Mr. Ripley*) for the role of John Galt who the producer says has "such a mystical quality. You never know where he's come from. He could be almost any age." Ageless, indeed. Law's portrait may well be aging in his attic.

It would be poetic to portray Galt as ageless, but Galt is a classmate of Francisco D'Anconia, who is a little older than Dagny, so it seems safe to presume Galt to be older than Dagny, too. Ruddy sees Dagny Taggart being played by someone no younger than 27, which is fine, but he doesn't seem to realize that Hank Rearden should be at least a decade older than Dagny and Galt. (Rand puts Dagny in her mid-thirties and Hank in his late forties.)

Jeannie Williams of *USA Today* at first asked readers to send her their suggestions for casting *Atlas Shrugged*, but has since written, "please don't send me any more." She passed "scores of suggestions" on to Ruddy who told Williams that there will be a Website, at some unspecified point, where any further suggestions can be flushed . . . er . . . submitted. There is no such Website at this writing.

At least Ruddy sincerely seems to like the project. "I've waited 25 years for this opportunity. It is a dream come true," he said through a TNT press release. Ruddy's feature films include *The Godfather*, *Bad Girls*, *Cannonball Run*, *The Scout* and *The Longest Yard*. His TV movies include *Married to a Stranger*, a drama about a woman with amnesia. He also created the television shows *Walker*, *Texas Ranger* and *Hogan's Heroes*. A mixed bag.

A new screenplay, written by Susan Black, who wrote *Married to a Stranger*, is scheduled to be submitted for approval to Rand's literary estate as early as April. (I thought that Sterling Silliphant had already written a screenplay for *Atlas Shrugged* in the 1970s and that Rand approved it.) Black has previously written two made-for-TV movies.

*Atlas* is anticipated to be four or five hours long. (TNT said four hours in October, but Ruddy subsequently gave *USA Today* an estimate of five hours.) No word yet on how much of Galt's hours-long speech will be trimmed.

—Miles Fowler

**One socialist deserves another** — The United States representative at the inauguration of Chile's first socialist president since the timely demise of Salvador Allende was . . . guess who? Janet Reno. How appropriate.

—Stephen Cox

**The English eclipse** — The events of August 11, 1999 have removed any remaining doubts that the character of the British people has degenerated greatly from previous centuries — when Britain was the greatest exemplar of liberty in Europe.

As astronomy fans know, England and other parts of Western Europe were privileged to be able to see a total eclipse of the sun last August 11. For many years, eclipse watchers all over the world have used cardboard "eclipse glasses" to view solar eclipses safely. (The glasses have cardboard frames, and the lenses are coated with aluminum, chromium or silver.) Looking directly at the sun (whether in eclipse or not) without special glasses is likely to cause serious eye damage.

About two weeks before the eclipse, a spokesman for the British government began appearing on the government-owned television and radio stations, warning people that use of the eclipse glasses could cause people to go blind. The government spokesman asserted that the only safe way to watch the eclipse was on television.

The British media promptly began their own hysterical warnings about the "controversial" eclipse glasses. Some British Broadcasting Corporation reporters told people that instead of using the eclipse glasses, people should observe the eclipse by watching a reflection on the water or by looking at the sun through a pinhole — both methods are quite dangerous, and really could cause blindness. As result of the government and media fright campaign, millions of Britons were so intimidated that instead of enjoying one of the greatest natural phenomena they would ever have the opportunity to see, they stayed indoors to look at the telly.

Meanwhile, in France (once derided by Britons as the epitome of an overgoverned state), the government managed to

let people watch the eclipse without any government intervention. In Belgium, the Royal Observatory — proving that not all civil servants are idiots — supplied accurate information about eclipse watching — informing people that eclipse glasses with a CE rating were safe, and that looking at the eclipse's reflection in water was unsafe.

The French and the Belgians enjoyed the eclipse with eclipse glasses. Back in Britain, the national health care system's eye treatment centers were deluged by hysterics who thought that they had damaged their eyes by watching the eclipse. Weeks later, the British Department of Health announced that no actual eye injuries from the eclipse had been found. But, warned the British government, damage might surface later.

The next total solar eclipses are June 21, 2001 (in southern Africa) and December 4, 2002 (India and Australia). The African dictatorships are so busy with their more elementary functions of extortion and murder that they will probably leave eclipse-watchers alone. The India-Australia eclipse will offer an opportunity to observe if the government and people of these democracies have become as foolish as their one-time colonial masters in Britain.

The great nation that gave us Henry Hudson, the Duke of Wellington, and Winston Churchill has decayed into an easily-panicked gaggle of nincompoops. If the people need the government to tell them whether it's safe to go outdoors, no wonder most of the population doesn't consider itself capable of owning a handgun. Britain has gone into eclipse, as the bright sun of liberty and common sense has been blotted out by the dark moon of childish reliance on witless paternalistic government.

—David Kopel

## The Legacy of Ayn Rand

Explore Ayn Rand with leading libertarian scholars. For only \$105, you can obtain all six videotapes in this series — or, for just \$35, all the same talks on audiocassette!

*The Problems and Challenges of Writing Rand's Biography.* Barbara Branden's frank presentation of the personalities and conflicts involved in writing her magisterial biography, *The Passion of Ayn Rand*. (Audio: A225; Video: V225)

*Arguing with Ayn Rand.* Rand's friend, eminent philosopher John Hospers, recalls the many fascinating discussions he had with Rand on topics ranging from the possibility of certainty to the ethics of land ownership. (Audio: A226; Video: V226)

*Ayn Rand's Ethics.* Is egoism ancient? Nietzsche scholar Lester Hunt discusses the philosophical roots of Rand's moral teachings. Provocative! (Audio: A227; Video: V227)

*That Fountainhead Rape.* A discussion of Rand's sex scenes, featuring Barbara Branden. Branden argues that the sex scenes in Rand's novels directly reflect her own fantasies of and need for male dominance, and that they have been falsely construed as involving "rape." (Audio: A228; Video: V228)

*Ayn Rand and Libertarianism.* R.W. Bradford on why Rand refused to identify herself as a libertarian, with additional material on whether and how her philosophy is at odds with libertarianism. (Audio: A229; Video: V229)

*What Is Living and What Is Dead in the Philosophy of Ayn Rand.* A wide-ranging discussion featuring Barbara Branden, John Hospers, Lester Hunt, and R.W. Bradford. (Audio: A230; Video: V230)



Individual tapes (list by number):

Rand Video Set @ \$105.00 = \_\_\_\_\_

Rand Audio Set @ \$ 35.00 = \_\_\_\_\_

Total audiocassettes @ \$ 6.95 = \_\_\_\_\_

Total videocassettes @ \$19.95 = \_\_\_\_\_

Postage & Handling (\$3 per entire order)\* = \_\_\_\_\_

\*foreign orders: \$1.00 per audio, \$2.50 per video

Total: \_\_\_\_\_

I enclose my check

Charge my

Visa  Mastercard Exp: \_\_\_\_\_

Name \_\_\_\_\_

Signature \_\_\_\_\_

Address \_\_\_\_\_

Account # \_\_\_\_\_

City, State, Zip \_\_\_\_\_

1-800-854-6991 • Liberty Book Club, P.O. Box 1181, Port Townsend, WA 98368

## Imelda Rodham Clinton

Hillary Rodham Clinton made it official that she is running for office. A leap of faith, considering her resumé. On it is her failed attempt to socialize one sixth of the United States economy. We were lucky to skate by with only a research cost of 13 million dollars. I would rather she had spent the money on shoes. A well dressed first lady would have been far more impressive than a thirteen hundred page lump of solid waste. —Tim Slagle

## Not the marrying kind —

Stan Baker wanted to be bound in *vinculo matrimonii*. Nothing masochistic, for these are the chains of matrimony. The town clerk refused him a license

continued on page 52

---

## Account

# The Saga of Jarbidge Road

*by Sandy Shaw and Durk Pearson*

Coming to a town near you: federal closures of your roads.

Hundreds of years ago American Indians climbed through what is now called Jarbidge Canyon to their rich summer hunting grounds, making a road as they walked over the same throughway year after year. About 150 years ago white men began using the road the Indians had established there.

In 1995, a storm washed out the Jarbidge Road, making it impassable to the wheeled vehicles that had used it for well over a century. Area residents, including Shoshone Indians, wanted to repair it and the Elko County Commissioners voted to do so. But the U.S. Forest Service told them not to bother because the agency would repair the road. Two years later, the road was still unrepaved and the U.S. Forest Service announced that it would never repair the road, on the theory that doing so would endanger bulltrout that live in the stream that runs along the road. To prevent its repair, the Forest Service dumped thousands of tons of dirt and boulders on the old road.

"Bull," said local old-timers who had fished these waters all their lives. The real purpose of this, they said, is to close the road to keep people out of the undeveloped "public lands." The bulltrout are located upstream of the road, so that the Forest Service's claim that dirt from the road endangers the bulltrout doesn't hold water. And if the Forest Service was really motivated by a desire to protect the bulltrout, then it wouldn't have dumped the dirt and boulders onto the old road, since doing so meant that the next inevitable washout would dump far more debris into the stream.

Local people were determined to restore use of the road. The state of Nevada requires a permit to use mechanical equipment for road repair, so they organized a work party with shovels and horse-drawn equipment to remove the tons of dirt and huge boulders that the U.S. Forest Service had dumped on the road. The Forest Service responded by getting a federal judge to issue an injunction blocking the work, on grounds that it would likely "result in a 'taking' of a federally threatened species." The Forest Service also asked the

---

judge to order Elko County to pay \$400,000 in "damages" for the work done in 1998, plus \$27,500 each day since, which amounts to more than \$16 million to date. The rebels responded by organizing a shovel collecting campaign they call "Shovels for Solidarity" to demonstrate resistance to the Forest Service's illegal closing of Jarbidge Road. Thousands of shovels from all over the country have arrived in Elko for the collection. In addition, the group commissioned a 28-foot-tall shovel, which is now on display at the Elko County Courthouse. More than 2,200 people have shelled out a dollar to affix their names to the giant shovel.

Gloria Flora, the U.S. Forest Service supervisor and road destroyer-in-chief of Nevada's Humboldt-Toiyabe National Forest, in which the Jarbidge Road is located, began complaining about threats, intimidation, and harassment against the employees of the U.S. Forest Service living and working in Elko, the nearby town. When investigated by the Forest Service, however, no prosecutable incidents could be identified. Flora took a leave of absence and was last seen giving speeches in which she compares "fed bashing" to racism. Flora says, "It's not much different than racism to pick a class of people and systematically make them unwelcome in your community" and "it's not about winning or losing. It's about sharing and caring for our resources." She adds that "Nevada has a reputation in the Forest Service and the Bureau of Land Management as being one of the toughest places to work."

The Jarbidge Road is at the center of a nationwide battle over public rights of way over "public lands" established through public use and custom under Revised Statute 2477



---

## Epistle

# Open Letter to the People of Japan

*by David Kopel*

Before you denounce American ownership of guns, you might want to consider how your own country's history supports the wisdom of the Second Amendment.

In the past several years, the Japanese government has worked very hard in the United Nations, and in nations around the world, to spread its gun prohibition policies all over the globe. From funding gun buybacks in South Africa, to presenting petitions against gun possession by Americans, to pushing for major United Nations policies against private gun ownership, Japan has turned gun prohibition into one of the nation's major exports. But this aggressive export campaign, as applied to the United States, is premised on a deep misunderstanding, and a failure to understand the important differences between Japan and many other nations, including the United States.

In Japan, there is little need to own a firearm for protection against crime. But in America, although crime has declined in recent years, the violent crime rate remains very high in large part as a result of mistakes made by Americans in the past. Unlike the Japanese, white Americans kidnapped slaves from Africa, and, after the slaves were freed, kept black people in miserably poor conditions. Much of America's current crime is a direct result of prior racist mistreatment of black people.

In addition, the American police spend an enormous amount of their resources enforcing the drug laws; consequently, there are fewer police resources to fight violent crime.

And, of course, America's government-run schools are a disaster. Many students graduate from American high schools unable to read; such people often find that they cannot find a job which will pay as well as does a life of crime.

With so much crime, police are simply unable to protect all people at all times. In fact, under the legal doctrine of "sovereign immunity," American police forces have no legal obligation to protect people before a crime is committed; police only have the legal duty to investigate crime after it

---

has taken place.

If the government in Japan failed to supply clean drinking water, people would find their own water. In the United States, where the government cannot provide personal security, people provide their own. Firearms are an option that many people choose for security.

On the whole, firearms in the hands of law-abiding people make America safer than it would otherwise be. According to criminologist Gary Kleck of Florida State University, Americans use firearms over two million times a year to defend themselves against criminal attack.

About half of all American homes contain a gun, and the prevalence of guns in American households plays a major role in reducing burglary. As a result, an American burglar's chance of getting shot is about equal to his chance of getting caught and going to jail. In countries such as Great Britain, Canada, or Australia, where people are not allowed to own guns for protection, the burglary rate is much higher than in the United States.

Burglars in America generally break in during the daytime. They take the extra risk of daylight entry because they realize that if they break in at night, people are more likely to be at home, and the burglar stands a good chance of getting shot. Burglars in other English-speaking countries, in contrast, are much more willing to attack a home when people are present.

Another reason so many Americans choose to own guns is the example set by government. The Japanese police

almost never draw their revolvers, and instead use their expertise in judo and other martial arts to subdue criminals. In America, on the other hand, about one person a day is fatally shot by the police. The frequent use of guns by American police legitimates the use of guns in general.

### **The Futility and Evil of Home Gun Bans**

Although hundreds of thousands of Japanese have signed petitions demanding that the American government ban the possession of guns in the home, such a measure would be unlikely to succeed. Whenever American cities or states have enacted laws forbidding the possession of particular types of guns, or simply requiring that people tell the government what kinds of guns they own, most Americans have refused to obey such laws. Depending on the law and the region, dis-

endorses such behavior.

Americans are, in their hearts, deeply afraid of the dangers of government abuse. The Second Amendment of the American Constitution guarantees the right to own and carry firearms. The historical record shows that the core purpose of the Second Amendment was to ensure that if the central government ever became dictatorial, the American people would be able to overpower it. The people who wrote the American Constitution presumed that any government that would confiscate guns would be doing so as a first step toward enslaving or murdering the people.

Indeed, the Japanese historical experience validates the importance of an armed populace. As the Japanese historian Hidehiro Sonoda explains, the military was able to dominate Japan in the 1920s, 30s, and early 40s partly because "The army and the navy were vast organizations with a monopoly on physical violence. There was no force in Japan that could offer any resistance." Many Americans would not be surprised that when the dictator Hideyoshi disarmed Japan in 1588 with the Sword Hunt, he did so because, as he put it, the possession of weapons by peasants "makes difficult the collection of taxes and tends to foment uprisings." And once the peasantry had been disarmed, it became increasingly oppressed. American historian Stephen Turnbull notes that after the Sword Hunt was completed, "The growing social mobility of peasants was thus flung suddenly into reverse." Having once enjoyed the freedom to choose jobs as they pleased, the disarmed peasants were forbidden to leave their land without their superior's permission.

To many Japanese (and to the American lobbies which advocate disarming the people) the idea that an armed populace could resist a powerful army seems preposterous. But as America learned in Vietnam, Russia learned in Afghanistan,

*Unlike the Japanese, white Americans kidnapped slaves from Africa, and, after the slaves were freed, kept black people in miserably poor conditions. Much of America's current crime is a direct result of prior racist mistreatment of black people.*

obedience rates range from 75 percent to 98 percent. In the case of a prohibition against owning guns in the home, at least 50–60 million Americans in at least 38–50 million households would refuse to comply.

The American criminal justice system, which cannot even control a few hundred thousand violent criminals at present, would simply collapse under the weight of 50 million new "criminals."

And, incredible as it may sound to Japanese, many Americans would shoot a policeman who came to confiscate their guns. And perhaps even more incredibly (from a Japanese viewpoint), the American Constitution implicitly

## **Learn at Liberty!**

Are you interested in working as a journalist?

*Liberty* offers full-time, paid internships at all times of the year. Interns at *Liberty* work closely with the editors. Responsibilities generally include fact-checking, researching, circulation and advertising work.

*Liberty* interns have gone on to become editors at *Liberty*, *Reason* and *Regulation*, authors of articles in major magazines and newspapers, researchers at important think tanks, and to win major fellowships and scholarships.

For information, write: R.W. Bradford, Editor, *Liberty*

P.O. Box 1181, Port Townsend, WA 98368

email: [rwbradford@bigfoot.com](mailto:rwbradford@bigfoot.com)

*Dictator Hideyoshi disarmed Japan in 1588 with the Sword Hunt. He did so because, as he put it, the possession of weapons by peasants "makes difficult the collection of taxes and tends to foment uprisings."*

and Japan learned in Manchuria, an armed population can wear down even the mightiest imperial army. Indeed, the United States won its own independence in 1783 after armed citizens, using their own muskets, rifles, and handguns, fought an eight-year war against the mighty British Empire.

The American ownership of guns is deeply tied to American concepts of individualism, self-protection and freedom from oppressive government. To Japanese, whose orientation tends to focus on the group rather than the individual, the American attitude may seem absurd or even barbaric. But just as Japanese would resent and reject Americans who gathered petitions telling the Japanese how to run their own affairs, Americans will not change their ways based on pressure from abroad. Perhaps the best path to international harmony between America and Japan is for each nation to respect the other nation's basic values, and not attempt to force one country to become like the other.

## Report Card

# How Congress Rates

by David Boaz

### Is there a libertarian in the House?

Last year the British libertarian political scientist Nigel Ashford asked me who were the most libertarian members of Congress. I was chagrined to realize that despite following Congress for more years than I care to remember, I didn't really know the answer — beyond Rep. Ron Paul (R-Tex.), of course, who was the 1988 Libertarian Party nominee for president. So I set out to select some key 1999 votes from the House of Representatives and find out.

Over the years I've read lots of ratings of congressional votes — from the traditional liberal ratings of Americans for Democratic Action and conservative ratings from the American Conservative Union, to the taxpayer-issue ratings of the National Taxpayers Union and the competition scores from the Competitive Enterprise Institute, to the libertarian ratings done for some 10 years now by Clifford Thies for the Republican Liberty Caucus. My concern with many of the attempts at libertarian ratings I've seen is that they always overemphasize economic issues (which dominate congressional voting) and "right-wing" civil liberties issues, thus making conservative Republicans look better than they deserve. At last, I decided, I'll do my own rating. I'll include foreign policy and civil liberties issues. And we'll really find out which members of Congress are most libertarian.

So guess what? If anything, in this fairly sketchy rating, I skimped on economic issues. I included civil liberties votes that could hardly be construed as right-wing. And conservative Republicans still predominate among top scorers.

So does that mean that conservative Republicans are indeed more libertarian than moderate Republicans or lib-

eral Democrats? There's still room for doubt. I certainly could have included more of the votes that the American Civil Liberties Union includes in its ratings, many of which are indeed libertarian. There are basic issues that don't come up for votes in Congress very often that might trip up conservative Republicans if they did. And 1999, the year of impeachment, was an unusually partisan year; it's quite possible that if a Republican president had proposed sending troops to Kosovo, he would have received more support from Republicans and less from Democrats. And the Republican tax cut certainly ended up as a party-line vote. But it's surely true that you can't be a defender of liberty if you don't support private property, freedom of enterprise, lower levels of confiscation, and a limited role for the federal government — no matter how strong your commitment to freedom of speech and other civil liberties.

One problem with some of the votes that ACLU-type civil libertarians might stress is that they involve the complicated issue of how to deal with the use of government funds or with people who enter into special relationships with government. For instance, what kinds of conditions should the government be able to attach to money it hands out? Should federal employees be free to engage in partisan polit-

#### Rating the Parties

Democrats	41
Republicans	52
<i>Overall</i>	47

ical activity? Should Congress tell the National Endowment for the Arts not to fund homoerotic art (while keeping the NEA's budget the same)? Should states be allowed to use their federal AIDS funding for needle exchange? Should the public schools be allowed (or required) to display the Ten Commandments, or to ban gay teachers? I've avoided such votes because I think it's difficult to find a clear libertarian position on such issues; there's obviously a difference between banning the display of a dung-covered painting of the Madonna, and refusing to fund such a display, and libertarians might come to different conclusions on the latter ques-

*You can't be a defender of liberty if you don't support private property, freedom of enterprise, lower levels of confiscation, and a limited role for the federal government.*

tion. (For a scholarly look at some of the complexities involved in these issues, see Richard Epstein's *Bargaining with the State*.)

### Some Libertarian Surprises

So enough with the disclaimers. Let's go to the tape. Who were the most libertarian members of the House of Representatives on the twelve votes selected for 1999?

It won't surprise anyone to find Ron Paul at the top. Throughout his tenure in Congress, Paul has maintained a remarkably consistent and principled voting record. Out of these twelve votes, he voted against the libertarian position on only one — voting for Rep. Steve Largent's amendment to

prohibit gay or unmarried couples in the District of Columbia from adopting children.

### The Top 10

Name	Liberty Rating	State	Party
Paul, Ron	92	Texas	Republican
Hoekstra, Peter	92	Michigan	Republican
Sununu, John E.	89	New Hampshire	Republican
Schaffer, Bob	83	Colorado	Republican
Camp, Dave	83	Michigan	Republican
Pryce, Deborah	78	Ohio	Republican

Twenty Representatives, all Republicans, tied for seventh place with a Liberty Rating of 75.

It may be more surprising that Paul was joined at the top by Rep. Pete Hoekstra (R-Mich.), who voted libertarian on the same 11 votes. Hoekstra also scores highly on the latest version of the RLC ratings. Right behind the leaders was Rep. John Sununu (R-N.H.), son of President George Bush's White House chief of

staff, but it should be noted that he missed 3 of the 12 votes, as did the high-scoring Rep. Deborah Pryce (R-Ohio).

Reps. Dave Camp (R-Mich.) and Bob Schaffer (R-Colo.) were next, each voting for the constitutional amendment to ban flag desecration, a vote that tripped up most of the Republicans.

The first large group is the 20 members who scored 75 percent, all Republicans. Most of them voted to ban gay adoptions and flag desecration, and each of them voted opposite the libertarian position on at least one other vote. Interestingly, they represent a wide spectrum of the House Republicans — traditional conservatives like Rep. Philip M. Crane (R-Ill.), self-limiting South Carolinians Jim DeMint and Mark Sanford, religious conservative Steve Chabot (R-Ohio), and moderates Jim Leach (R-Iowa), Tom Campbell (R-Calif.), Tom Petri (R-Wisc.), and Jim Kolbe (R-Ariz.).

The highest-ranking Democrat, at 72.7 percent, would surprise many congressional observers. Rep. David Obey (D-Wisc.) has served for more than 30 years. *The Almanac of American Politics* describes him as "a true believer in traditional liberalism, in Keynesian economics and economic redistribution." In this rating he is probably helped by having voted "Present" on sending troops to Kosovo, when most Democrats supported Presi-

### The Bottom 10

Name	Liberty Rating	State	Party
Maloney, Jim	8	Connecticut	Democrat
Showa, Ronnie	8	Mississippi	Democrat
Turner, Jim	8	Texas	Democrat
King, Peter T.	17	New York	Republican
Stenholm, Charles W.	17	Texas	Democrat
Lazio, Rick A.	18	New York	Republican
Quinn, Jack	18	New York	Republican
Skelton, Ike	18	Missouri	Democrat
Berry, Marion	20	Arkansas	Democrat
Reyes, Silvestre	20	Texas	Democrat

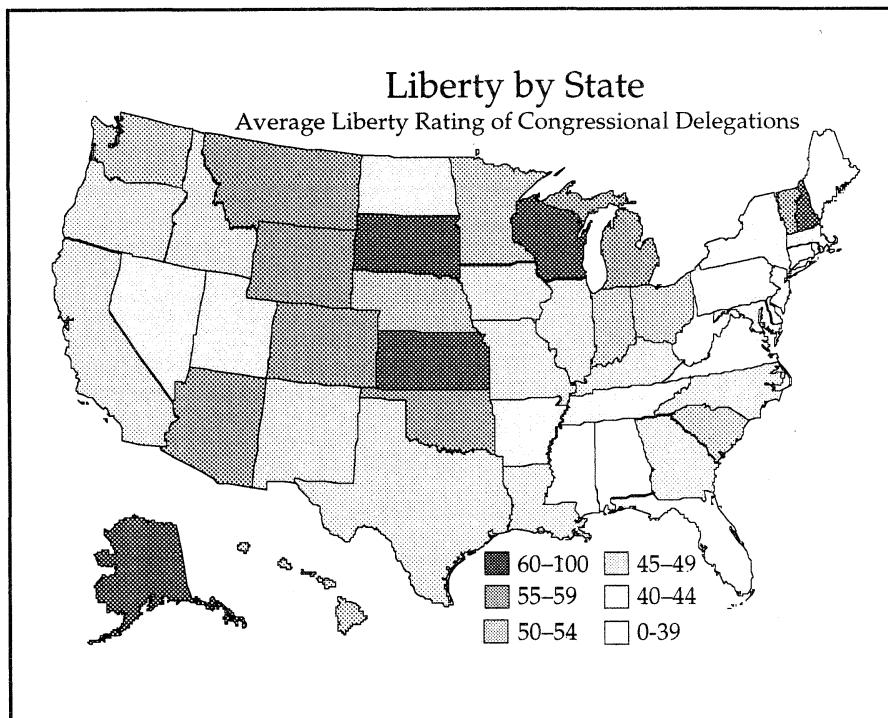
dent Clinton. But his score makes one thing clear: any Democrat who supported civil liberties and opposed corpo-

rate welfare could have done well on this rating. The astounding fact is that so few of them did. Obey got his high score by voting against censorship of the Internet, a gun control bill, the flag desecration amendment, the gay adoption ban, export subsidies, and the Selective Service Agency, and by voting for civil asset forfeiture reform and cuts in space station funding. What's so difficult about any of that for a liberal?

The next-best Democrats, at 67 percent, showed the same pattern. True-blue liberals George Miller (D-Calif.), Lynn Rivers (D-Mich.), and Lynn Woolsey (D-Calif.)

voted mostly like Obey, except that they all voted for the bill to regulate sales at gun shows.

The group of members at 58 percent presents some interesting contrasts. Texas conservatives Bill Archer and Dick



*Any Democrat who supported civil liberties and opposed corporate welfare could have done well on this rating. The astounding fact is that so few of them did.*

Armey are followed alphabetically by Tammy Baldwin (D-Wisc.), the first openly lesbian member of Congress. She and Armey voted almost exactly opposite — they only agreed on civil asset forfeiture reform and export subsidies — but ended up with the same percentage right. Libertarians would no doubt be disappointed at Armey and surprised by Baldwin. Further down that list we find Rep. Bob Barr (R-Ga.), a fiery right-winger often found on *Crossfire* and often found taking strongly libertarian stands on issues like the national identity card. But he voted for steel import quotas and space station funding, among other failings. Also at 58 percent is Virgil Goode of Virginia, perhaps the most conservative Democrat in 1999, but now an independent who caucuses with the Republicans.

Whom do we find at the bottom of the rankings? Lots of Democrats, mostly, the sort who are dubbed "Authoritarian" in the RLC rankings. But some might be surprised to find conservative Republicans Tom Bliley (R-Va.), Saxby Chambliss (R-Ga.), James Hansen (R-Utah), John L. Mica (R-

Fla.), Christopher Smith (R-N.J.), Mark Souder (R-Ind.), and C. W. (Bill) Young (R-Fla.) at 33 percent, with the likes of Harold Ford, Jr. (D-Tenn.) and John P. Murtha (D-Pa.).

Bringing up the rear are the ten members who score below 25 percent. They're an interesting group. Rep. Charles W. Stenholm (D-Tex.), longtime leader of the conservative Democrats, scores 17 percent — voting libertarian only on gun control and forfeiture reform. New York Republicans Rick Lazio, Jack Quinn, and Peter T. King are among the bottom dwellers, making one wonder why

the New York Conservative Party prefers Lazio to Mayor Rudolph Giuliani as a Senate candidate. Tied for last place, managing to vote for freedom over coercion only once in twelve tries are three moderate to conservative Democrats squarely in the ideological center of the House — which may tell us a lot.

In the end, no ratings system is perfect. Any interested voter should watch the actual votes of his own representatives in Congress, not rely on a selective rating. But this rating draws on a wider selection of issues, each with a clear libertarian position, than most others. □

### How "Republican Libertarians" Rated

Name	State	Party
Paul, Ron	Texas	92
Hayworth, J.D.	Arizona	75
Smith, Nick	Michigan	67
Tiahrt, Todd	Kansas	67
Shadegg, John	Arizona	58
Foley, Mark	Florida	58
Metcalf, Jack	Washington	58
Salmon, Matt	Arizona	55
Chenoweth, Helen	Idaho	50
Johnson, Sam	Texas	50
Bilbray, Brian P.	California	40

*The above Congresspersons are members of the "Advisory Board" of the Republican Liberty Caucus.*

## The Liberty Rating

Congresspeople are listed in alphabetical order by states. The names of congresspersons are followed by their party affiliation (P), as follows: D=Democrat, R=Republican, I=Independent. The third column is their Liberty Rating (LR), the percentage of the time that each member voted for the libertarian stand on the issues selected. The remaining 12 columns list how each member voted on each issue (1=libertarian, 0=anti-libertarian, x=no vote, p=present, a=abstained.)

### The Votes:

1. Authorize peacekeeping operations in Kosovo, H. Con. Res. 42 Roll Call Vote no. 49). March 11. Libertarian vote NO.
2. Reduce volume of steel imports, HR 975 (Roll Call Vote no. 56). March 17. Libertarian vote NO.
3. Protect children from sexual or violent material, Hyde amendment to HR 1501 (Roll Call Vote no. 213). June 16. Libertarian vote NO.
4. Regulate sales at gun shows, McCarthy amendment to HR 2122 (Roll Call Vote no. 235). June 18. Libertarian vote NO.
5. Constitutional Amendment to Prohibit the Physical Desecration of the U.S. Flag, H.J. Res. 33 (Roll Call Vote no. 252). June 24. Libertarian vote NO.
6. Civil Asset Forfeiture Reform Act, HR 1658 (Roll Call Vote no. 255). June 24. Libertarian vote YES.
7. Eliminate the "Know Your Customer" bank regulations, Barr amendment to HR 10 (Roll Call Vote no. 269). July 1. Libertarian vote YES.
8. Financial Freedom Act of 1999 (federal tax cut), HR 2488. (Roll Call Vote no. 333). July 22. Libertarian vote YES.
9. Ban adoptions by gay or unmarried couples in District of Columbia, Largent amendment to HR 2587 (Roll Call Vote no. 346). July 29. Libertarian vote NO.
10. Prohibit any funds for new Overseas Private Investment Corporation projects, Andrews amendment to HR 2606 (Roll Call Vote no. 359). August 2. Libertarian vote YES.
11. Restore Selective Service Agency funding, Cunningham amendment to HR 2684 (Roll Call Vote no. 391). September 8. Libertarian vote NO.
12. Reduce funding for the international space station program, Roemer amendment to HR 2684. (Roll Call Vote no. 392). September 8. Libertarian vote YES.

Congressperson	P	LR	1	2	3	4	5	6	7	8	9	10	11	12
Alabama														
Aderholt, Robert B.	R	42	1	0	0	1	0	1	1	1	0	0	0	0
Bachus, Spencer	R	33	1	0	0	1	0	0	0	1	0	1		
Callahan, Sonny	R	36	P	0	0	1	0	1	1	1	0	0	0	
Cramer, Robert E.	D	25	0	0	1	1	0	1	0	0	0	0	0	
Everett, Terry	R	42	1	0	0	1	0	1	1	1	0	0	0	
Hilliard, Earl F.	D	42	0	0	1	1	0	1	0	1	0	1		
Riley, Bob	R	42	1	0	0	1	0	1	1	1	0	0	0	
Alaska														
Young, Don	R	60	1	0	1	1	0	1	1	1	0	x	x	
Arizona														
Hayworth, J.D.	R	75	1	1	1	1	0	1	1	1	0	1	1	0
Kolbe, Jim	R	75	1	1	1	1	1	1	0	1	1	0	0	1
Pastor, Ed	D	33	0	0	1	0	1	1	0	0	1	0	0	
Salmon, Matt	R	55	1	1	1	x	0	1	0	1	0	0	0	
Shadegg, John	R	58	1	1	0	1	1	1	0	1	0	1	0	
Stump, Bob	R	50	1	1	0	1	0	1	1	1	0	0	0	
Arkansas														
Berry, Marion	D	20	0	0	1	0	0	1	0	0	0	x	x	

Congressperson	P	LR	1	2	3	4	5	6	7	8	9	10	11	12
Arkansas (continued)														
Dickey, Jay	R	58	1	0	1	1	0	1	0	1	0	1	0	1
Hutchinson, Asa	R	50	1	1	1	1	0	0	0	1	0	0	1	0
Snyder, Vic	D	42	0	0	1	0	1	1	0	0	1	0	1	0
California														
Becerra, Xavier	D	36	x	0	1	0	1	1	0	0	1	0	0	0
Berman, Howard L.	D	36	0	1	1	0	1	x	0	0	1	0	0	0
Bilbray, Brian P.	R	40	x	1	0	0	0	0	0	1	x	0	1	
Bono, Mary	R	58	0	1	1	1	0	1	1	1	0	1	0	0
Calvert, Ken	R	33	0	1	0	1	0	1	0	1	0	0	0	
Campbell, Tom	R	75	1	1	1	0	0	1	1	1	1	1	1	0
Capps, Lois	D	36	x	0	1	0	0	1	0	0	1	0	1	0
Condit, Gary A.	D	50	1	0	1	0	0	0	0	1	1	1	1	0
Cox, Christopher	R	67	1	1	1	1	0	1	0	1	0	1	1	0
Cunningham, R.	R	42	1	1	0	1	0	1	0	1	0	0	0	
Dixon, Julian C.	D	42	0	0	1	0	1	1	0	0	1	0	1	0
Dooley, Cal	D	42	0	1	1	0	0	1	0	0	1	0	1	0
Doolittle, John T.	R	67	1	1	1	1	0	1	1	1	0	1	0	0
Dreier, David	R	50	0	1	1	1	0	1	1	1	0	0	0	
Eshoo, Anna G.	D	50	0	1	1	0	1	1	0	0	1	0	1	0
Farr, Sam	D	50	0	0	1	0	1	1	0	0	1	1	1	0
Filner, Bob	D	50	0	0	1	0	1	1	0	0	1	0	1	1
Gallegly, Elton	R	42	1	0	0	1	0	1	1	1	0	0	0	
Herger, Wally	R	67	1	1	0	1	0	1	1	1	0	1	0	1
Horn, Steve	R	42	1	0	0	0	0	1	0	1	1	0	1	0
Hunter, Duncan	R	42	0	0	0	1	0	1	1	1	0	1	0	0
Kuykendall, Steven	R	50	1	1	1	0	0	1	0	1	1	0	0	0
Lantos, Tom	D	33	0	0	1	0	0	1	0	0	1	x	x	x
Lee, Barbara	D	50	0	0	1	0	1	1	0	0	1	0	1	1
Lewis, Jerry	R	67	0	1	1	1	0	1	1	1	1	0	1	0
Lofgren, Zoe	D	55	P	1	1	0	1	1	0	0	1	0	1	0
Martinez, Matthew	D	36	0	0	1	0	0	1	0	0	1	0	1	x
Matsui, Robert T.	D	42	0	0	1	0	1	1	0	0	1	0	1	0
McKeon, Howard	R	50	1	1	0	1	0	1	1	1	0	0	0	0
Millender-McDonald	D	36	0	0	1	0	0	x	1	0	0	1	0	
Miller, Gary G.	R	50	1	1	0	1	0	1	1	1	0	0	0	
Miller, George	D	67	0	0	1	0	1	1	1	0	1	1	1	
Napolitano, Grace	D	33	0	0	1	0	0	1	0	0	1	0	1	0
Ose, Doug	R	58	0	1	1	0	0	1	1	1	1	0	1	0
Packard, Ron	R	45	1	1	0	1	0	x	1	1	0	0	0	
Pelosi, Nancy	D	55	0	0	1	0	1	1	x	0	1	0	1	1
Pombo, Richard W.	R	58	1	0	1	1	0	1	1	1	1	0	1	0
Radanovich, George	R	42	0	1	0	1	0	1	1	1	0	0	0	
Rogan, James E.	R	42	1	0	1	0	0	1	0	1	0	1	0	
Rohrabacher, Dana	R	75	1	1	1	1	0	1	1	1	1	0	1	
Royal-Allard, L.	D	42	0	0	1	0	1	1	0	0	1	0	1	
Royce, Ed	R	75	1	1	1	1	0	1	1	1	1	0	1	0
Sanchez, Loretta	D	25	0	0	1	0	0	1	0	0	1	0	0	
Sherman, Brad	D	33	0	0	1	0	0	1	0	0	1	0	1	0
Stark, Pete	D	58	0	0	1	0	1	1	0	0	1	1	1	
Tauscher, Ellen O.	D	33	0	0	1	0	1	1	0	0	1	0	0	
Thomas, Bill	R	60	1	1	x	x	0	1	0	1	1	0	1	0
Thompson, Mike	D	33	0	0	1	0	1	0	0	0	1	0	1	0
Waters, Maxine	D	36	0	0	1	0	1	x	0	0	1	0	1	0
Waxman, Henry A.	D	55	0	0	1	0	1	1	0	0	1	x	1	1
Woolsey, Lynn	D	67	0	0	1	0	1	1	1	0	1	1	1	
Colorado														
DeGette, Diana	D	42	0	0	1	0	1	1	0	0	1	0	1	0
Hefley, Joel	R	67	1	0	0	1	0	1	1	1	0	1	1	1
McInnis, Scott	R	64	1	0	1	1	0	x	1	1	0	1	0	1
Schaffer, Bob	R	83	1	1	1	1	0	1	1	1	0	1	1	1
Tancredo, Tom	R	67	1	1	0	1	0	1	1	1	1	0	1	0
Udall, Mark	D	33	0	0	1	0	1	1	0	0	1	0	0	0
Connecticut														
DeLauro, Rosa	D	50	0	0	1	0	1	1	0	0	1	0	1	1
Gejdenson, Sam	D	42	0	0	1	0	1	1	0	0	1	0	1	0
Johnson, Nancy L.	R	33	0	1	0	0	0	0	0	1	1	0	1	0

Congressperson	P	LR	1	2	3	4	5	6	7	8	9	10	11	12
Connecticut (continued)														
Larson, John B.	D	33	0	0	1	0	0	1	0	0	1	0		
Maloney, Jim	D	8	0	0	0	0	0	0	0	1	0	0		
Shays, Christopher	R	58	1	1	0	0	1	0	0	1	1	0		
Delaware														
Castle, Michael N.	R	25	0	1	1	0	0	1	0	0	0	0		
Florida														
Bilirakis, Michael	R	33	1	0	0	1	0	1	0	0	0	0		
Boyd, Allen	D	25	0	0	1	1	0	0	0	0	1	0		
Brown, Corrine	D	33	0	0	1	0	0	1	0	0	1	0		
Canady, Charles T.	R	42	1	1	0	1	0	1	0	1	0	0		
Davis, Jim	D	33	0	1	1	0	0	1	0	0	1	0		
Deutsch, Peter	D	25	0	0	1	0	0	0	0	1	0			
Diaz-Balart, Lincoln	R	25	0	0	1	0	0	1	0	1	0	0		
Foley, Mark	R	58	1	1	1	1	0	1	0	1	1	0		
Fowler, Tillie	R	50	1	1	1	1	0	1	0	1	0	0		
Goss, Porter J.	R	50	0	1	1	1	0	1	1	1	0	0		
Hastings, Alcee L.	D	42	0	0	1	0	1	1	0	0	1	0		
McCollum, Bill	R	50	1	1	1	1	0	1	0	1	0	0		
Meek, Carrie P.	D	33	0	0	1	0	1	1	0	0	1	0		
Mica, John L.	R	33	1	0	0	1	0	0	0	1	0	1		
Miller, Dan	R	75	1	1	1	1	0	1	0	1	1	1		
Ros-Lehtinen, Ileana	R	33	1	0	1	0	0	1	0	1	0	0		
Scarborough, Joe	R	64	1	1	1	1	0	1	1	0	x	0		
Shaw, E. Clay Jr.	R	33	0	1	1	0	0	1	0	1	0	0		
Stearns, Cliff	R	50	1	0	0	1	0	1	1	1	0	1		
Thurman, Karen L.	D	33	0	0	1	1	0	1	0	1	0	0		
Weldon, Dave	R	50	1	1	0	1	0	0	1	1	0	0		
Wexler, Robert	D	42	0	0	1	0	1	1	0	0	1	0		
Young, C.W. Bill	R	33	1	0	0	1	0	1	0	1	0	0		
Georgia														
Barr, Bob	R	58	1	0	1	1	0	1	1	1	0	1		
Bishop, Sanford	D	42	0	0	1	1	0	1	0	1	0	0		
Chambliss, Saxby	R	33	1	1	0	1	0	0	0	1	0	0		
Collins, Mac	R	42	1	0	0	1	0	0	1	0	1	0		
Deal, Nathan	R	50	1	1	0	1	0	1	1	1	0	0		
Isakson, Johnny	R	42	1	1	0	1	0	1	0	1	0	0		
Kingston, Jack	R	67	1	1	0	1	0	1	1	1	0	1		
Lewis, John	D	42	0	0	1	0	1	1	0	0	1	0		
Linder, John	R	58	0	1	1	1	0	1	1	1	0	1		
McKinney, Cynthia	D	58	1	0	1	0	1	1	0	1	1	0		
Norwood, Charlie	R	50	1	0	0	1	0	1	1	1	0	1		
Hawaii														
Abercrombie, Neil	D	40	P	0	1	0	1	1	0	0	1	x	0	0
Mink, Patsy T.	D	64	P	0	1	0	1	1	1	0	1	0		
Idaho														
Chenoweth, Helen	R	50	1	0	0	1	0	1	1	1	0	1	0	
Simpson, Mike	R	42	1	1	0	1	0	1	0	1	0	0		
Illinois														
Biggert, Judy	R	58	0	1	1	1	0	1	0	1	1	0		
Blagojevich, Rod R.	D	42	1	0	1	0	0	1	0	0	1	0		
Costello, Jerry F.	D	45	1	0	1	1	0	x	0	0	0	1		
Crane, Philip M.	R	75	1	1	1	1	0	1	1	1	0	1		
Davis, Danny K.	D	36	0	0	x	0	1	1	0	0	1	0		
Evans, Lane	D	58	0	0	1	0	1	0	0	1	1	1		
Ewing, Thomas W.	R	42	1	0	0	1	0	1	0	1	1	0		
Gutierrez, Luis V.	D	33	0	0	1	0	0	1	0	0	1	0		
Hastert, J. Dennis*	R	50	0											
Hyde, Henry J.	R	36	0	1	0	1	0	1	0	1	0	x	0	
Jackson, Jesse L. Jr.	D	42	0	0	1	0	1	1	0	1	0	1		
LaHood, Ray	R	42	1	1	0	1	0	1	0	1	0	0		
Lipinski, William	D	30	x	0	0	0	0	1	x	0	0	1		
Manzullo, Donald	R	75	1	1	1	1	0	1	1	1	0	0		
Phelps, David	D	50	1	0	1	1	0	1	0	0	0	1		
Porter, John E.	R	58	0	1	1	0	1	1	0	1	1	0		
Rush, Bobby L.	D	50	0	0	1	0	1	1	0	0	1	1		
Schakowsky, Jan	D	42	0	0	1	0	1	1	0	0	1	0		

\* Traditionally, the Speaker of the House does not vote.

Congressperson	P	LR	1	2	3	4	5	6	7	8	9	10	11	12	Congressperson	P	LR	1	2	3	4	5	6	7	8	9	10	11	12		
<b>Michigan (continued)</b>																<b>New Mexico (continued)</b>															
Conyers, John Jr.	D	42	0	0	1	0	1	1	0	0	1	0	1	0	Udall, Tom	D	50	0	0	1	0	1	1	0	0	1	0	1	1		
Dingell, John D.	D	50	0	0	1	1	1	1	0	0	1	0	1	0	Wilson, Heather A.	R	50	0	1	0	1	0	1	0	1	1	0	1	0		
Ehlers, Vernon J.	R	58	1	1	0	1	1	1	0	1	0	0	1	0	<b>New York</b>																
Hoekstra, Peter	R	92	1	1	1	1	1	1	1	0	1	1	1	1	Ackerman, Gary L.	D	45	0	0	1	0	1	1	0	0	1	0	1	x		
Kildee, Dale E.	D	42	0	0	1	0	0	1	0	0	1	0	1	1	Boehlert, Sherwood	R	33	0	0	0	0	1	0	1	1	0	1	0			
Kilpatrick, Carolyn	D	42	0	0	1	0	1	1	0	0	1	0	1	0	Crowley, Joseph	D	25	0	0	1	0	0	0	0	0	1	0	1	0		
Knollenberg, Joe	R	50	0	1	1	1	0	1	0	1	0	0	1	0	Engel, Eliot L.	D	42	0	0	1	0	1	1	0	0	1	0	1	0		
Levin, Sander M.	D	58	0	1	1	0	1	1	0	0	1	0	1	1	Forbes, Michael P.	R	25	0	0	1	0	0	1	0	0	1	0	0	0		
Rivers, Lynn	D	67	0	0	1	0	1	1	1	0	1	1	1	1	Fossella, Vito J.	R	64	1	1	1	1	0	1	x	1	0	0	1	1		
Smith, Nick	R	67	1	1	0	1	0	1	1	1	0	1	0	1	Gilman, Benjamin	R	42	0	0	1	1	0	0	0	1	1	0	1	1		
Stabenow, Debbie	D	25	0	0	1	0	0	1	0	0	1	0	0	0	Hinchey, Maurice	D	50	0	0	1	0	1	1	0	0	1	1	0	0		
Stupak, Bart	D	42	0	0	1	0	0	1	0	0	1	1	1	0	Houghton, Amo	R	30	0	1	x	x	0	0	0	1	1	0	0	0		
Upton, Fred	R	50	1	1	0	0	0	1	0	1	0	0	1	1	Kelly, Sue W.	R	50	0	0	0	1	0	1	0	1	1	0	1	1		
<b>Minnesota</b>																King, Peter T.	R	17	0	0	0	0	1	0	1	0	0	0	0	0	
Gutknecht, Gil	R	50	1	0	0	1	0	1	1	1	0	0	1	0	Lafalce, John J.	D	42	0	0	1	0	1	1	0	0	1	0	1	0		
Luther, Bill	D	50	0	0	1	0	0	1	0	0	1	1	1	1	Lazio, Rick A.	R	18	0	0	0	0	0	x	0	1	0	0	0	1		
Minge, David	D	55	0	0	1	x	1	1	0	0	1	0	1	1	Lowey, Nita M.	D	50	0	0	1	0	1	1	0	0	1	0	1	1		
Oberstar, James L.	D	58	0	0	1	1	1	0	0	1	0	1	1	1	Maloney, Carolyn	D	50	0	0	1	0	1	1	0	0	1	0	1	1		
Peterson, Collin C.	D	42	1	0	0	1	0	0	1	0	0	1	0	0	McCarthy, Carolyn	D	33	0	0	1	0	0	1	0	0	1	0	0	1		
Ramstad, Jim	R	50	1	1	0	0	0	0	1	0	1	1	1	1	McHugh, John M.	R	40	1	0	0	1	0	1	0	1	0	x	x			
Sabo, Martin Olav	D	42	0	0	1	0	1	0	0	1	0	1	0	0	McNulty, Michael	D	42	1	0	1	0	0	1	0	1	0	1	0	0		
Vento, Bruce F.	D	55	0	x	1	0	1	1	0	0	1	0	1	1	Meeks, Gregory W.	D	42	0	0	1	0	1	1	0	1	0	1	0	0		
<b>Mississippi</b>																Nadler, Jerrold	D	58	0	0	1	0	1	1	0	1	1	1	1	1	
Pickering, Charles	R	42	1	1	0	1	0	0	1	1	0	0	0	0	Owens, Major R.	D	42	0	0	1	0	1	0	0	1	0	1	0	0		
Shows, Ronnie	D	8	0	0	0	1	0	0	0	0	0	0	0	0	Quinn, Jack	R	18	x	0	1	0	0	1	0	0	0	0	0	0		
Taylor, Gene	D	25	1	0	0	1	0	0	1	0	0	0	0	0	Rangel, Charles B.	D	50	0	0	1	0	1	1	0	0	1	1	x	x		
Thompson, Bennie	D	36	x	0	1	0	0	1	0	0	1	0	1	0	Reynolds, Thomas	R	50	1	1	0	1	0	0	1	1	0	0	1	0		
Wicker, Roger	R	50	1	1	0	1	0	1	1	1	0	0	0	0	Serrano, Jose E.	D	50	0	0	1	0	1	1	0	0	1	0	1	1		
<b>Missouri</b>																Slaughter, Louise	D	45	P	0	1	0	1	1	0	0	1	0	1	0	
Blunt, Roy	R	58	1	1	0	1	0	1	1	1	0	0	1	0	Sweeney, John E.	R	25	1	0	0	1	0	0	0	1	0	0	0	0		
Clay, William L.	D	45	x	0	1	0	1	1	0	0	1	0	1	0	Towns, Edolphus	D	38	x	0	1	0	x	1	0	1	0	x	x			
Danner, Pat	D	58	1	0	0	1	0	1	0	1	1	0	1	1	Velazquez, Nydia	D	50	0	0	1	0	1	1	0	0	1	1	1			
Emerson, Jo Ann	R	42	1	0	0	1	0	1	0	1	0	0	1	1	Walsh, James T.	R	50	1	0	1	1	0	1	0	0	1	0	1	0		
Gephardt, Richard	D	36	0	0	1	0	0	1	0	0	1	x	1	0	Weiner, Anthony	D	27	0	0	x	0	1	0	0	0	1	0	1	0		
Hulshof, Kenny	R	58	1	1	1	1	0	1	1	1	0	0	0	0	<b>North Carolina</b>																
McCarthy, Karen	D	42	0	0	1	0	1	1	0	0	1	0	1	0	Ballenger, Cass	R	50	1	1	1	1	0	1	0	1	0	0	0	0		
Skelton, Ike	D	18	0	0	0	1	0	1	0	0	x	0	0	0	Burr, Richard M	R	58	1	1	1	1	0	1	1	0	0	0	0	0		
Talent, James M.	R	42	1	1	0	1	0	1	0	1	0	0	0	0	Clayton, Eva	D	42	0	0	1	0	1	1	0	0	1	0	1	0		
<b>Montana</b>																Coble, Howard	R	75	1	0	1	1	0	1	1	1	0	1	1	1	
Hill, Rick	R	58	1	1	0	1	0	1	1	1	0	0	1	0	Etheridge, Bob	D	25	0	0	1	1	0	1	0	0	0	0	0	0		
<b>Nebraska</b>																Hayes, Robin	R	42	1	0	0	1	0	0	1	0	0	0	0	1	
Barrett, Bill	R	50	1	0	1	1	0	1	0	1	0	0	1	0	Jones, Walter B. Jr.	R	42	1	0	0	1	0	0	1	0	1	0	0	0		
Bereuter, Doug	R	42	1	1	0	0	0	1	0	1	0	0	1	0	McIntyre, Mike	D	33	0	0	0	1	0	1	1	0	0	1	0	0		
Terry, Lee	R	58	1	1	1	1	0	1	0	1	0	1	0	0	Myrick, Sue	R	64	1	x	1	1	0	0	1	1	0	1	0	1		
<b>Nevada</b>																Price, David E.	D	42	0	0	1	0	1	1	0	0	1	0	1	0	
Berkley, Shelley	D	33	0	0	1	0	0	1	0	0	1	1	1	0	Taylor, Charles H.	R	50	1	1	0	1	0	1	1	1	0	0	0	0		
Gibbons, Jim.	R	50	1	0	1	1	0	1	1	1	0	0	0	0	Watt, Melvin	D	42	0	0	1	0	1	1	0	0	1	0	1	0		
<b>New Hampshire</b>																North Dakota	Pomeroy, Earl	D	42	0	0	1	0	0	1	0	1	0	1	1	1
Bass, Charles	R	75	1	1	1	1	0	1	0	1	1	1	0	1	0	Boehner, John A.	R	67	1	1	1	1	0	1	1	1	0	1	0	0	
Sununu, John E.	R	89	1	1	1	1	0	1	1	1	x	1	x	x	Brown, Sherrod	D	55	P	0	1	0	0	1	0	1	1	1	1	1		
<b>New Jersey</b>																Chabot, Steve	R	75	1	1	0	1	0	1	1	0	1	1	1	1	
Andrews, Robert E.	D	33	1	0	1	0	0	0	0	1	1	0	0	0	Gillmor, Paul E.	R	42	1	0	0	1	0	1	1	1	0	0	0	0		
Franks, Bob	R	50	1	0	0	0	0	1	0	1	1	0	1	1	Hall, Tony P.	D	27	0	0	0	0	1	1	0	0	x	1	0	0		
Frelinghuysen, R.	R	33	0	1	0	0																									

Congressperson	P	LR	1	2	3	4	5	6	7	8	9	10	11	12	Congressperson	P	LR	1	2	3	4	5	6	7	8	9	10	11	12
Ohio (continue)															Texas (continued)														
Sawyer, Tom	D	42	0	0	1	0	1	1	0	0	1	0	1	0	DeLay, Tom	R	50	1	1	0	1	0	1	0	1	0	0	1	0
Strickland, Ted	D	64	x	0	1	1	0	1	0	0	1	1	1	1	Doggett, Lloyd	D	42	0	0	1	0	1	1	0	0	1	0	1	0
Traficant, James A.	D	42	1	0	0	1	0	1	0	0	1	1	0	0	Edwards, Chet	D	25	0	0	1	0	0	1	0	0	1	0	0	0
Oklahoma															Frost, Martin	D	27	x	0	1	0	0	1	0	0	1	0	0	0
Coburn, Tom	R	55	P	0	0	1	0	1	1	1	0	1	0	1	Gonzalez, Charlie	D	42	0	0	1	0	1	1	0	0	1	0	1	0
Istook, Ernest	R	50	1	1	0	1	0	1	1	1	0	0	0	0	Granger, Kay	R	42	1	1	0	1	0	1	0	1	0	0	0	0
Largent, Steve	R	58	1	0	0	1	0	1	1	1	0	1	1	0	Green, Gene	D	45	0	0	1	1	0	1	x	0	1	0	1	0
Lucas, Frank D.	R	50	1	1	0	1	0	1	1	1	0	0	0	0	Hall, Ralph M.	D	50	1	1	0	1	0	1	1	1	0	0	0	0
Watkins, Wes	R	58	1	1	0	1	0	1	1	1	0	0	0	1	Hinojosa, Ruben	D	25	0	0	1	0	0	1	0	0	1	0	0	0
Watts, J.C. Jr.	R	58	1	1	0	1	0	1	1	1	0	0	1	0	Johnson, Eddie	D	42	0	0	1	0	1	1	0	1	0	1	0	0
Oregon															Johnson, Sam	R	50	1	1	0	1	0	1	1	1	0	0	0	0
Blumenauer, Earl	D	42	0	0	1	0	1	0	0	0	1	0	1	1	Lampson, Nick	D	42	0	0	1	1	0	1	0	0	1	0	1	0
DeFazio, Peter A.	D	58	0	0	1	0	1	1	0	0	1	1	1	1	Lee, Sheila Jackson	D	42	0	0	1	0	1	1	0	0	1	0	1	0
Hooley, Darlene	D	33	0	0	1	0	1	1	0	0	1	0	0	0	Ortiz, Solomon P.	D	25	0	0	1	1	0	1	0	0	0	0	0	0
Walden, Greg	R	50	1	1	0	1	0	1	1	1	0	0	0	0	Paul, Ron	R	92	1	1	1	1	1	1	1	0	1	1	1	1
Wu, David	D	45	x	0	1	0	1	1	0	0	1	0	1	0	Reyes, Silvestre	D	20	x	0	1	0	0	0	0	0	1	x	0	0
Pennsylvania															Rodriguez, Ciro D.	D	25	0	0	1	0	0	1	0	0	1	0	0	0
Borski, Robert A.	D	45	0	0	1	0	1	1	x	0	1	0	1	0	Sandlin, Max	D	30	0	0	1	1	0	1	0	0	0	x	x	x
Brady, Robert A.	D	50	0	0	1	0	1	1	0	0	1	0	1	1	Sessions, Pete	R	58	1	1	0	1	0	1	1	1	0	0	1	0
Coyne, William J.	D	50	0	0	1	0	1	1	0	0	1	0	1	1	Smith, Lamar	R	42	1	1	0	1	0	1	0	1	0	0	0	0
Doyle, Mike	D	25	0	0	1	0	0	1	0	0	1	0	0	0	Stenholm, Charles	D	17	0	0	0	1	0	1	0	0	0	0	0	0
English, Phil	R	50	1	0	0	1	0	1	1	1	0	0	1	0	Thornberry, Wm.	R	58	1	1	1	1	0	1	1	1	0	0	0	0
Fattah, Chaka	D	50	0	0	1	0	1	1	0	0	1	0	1	1	Turner, Jim	D	8	0	0	0	1	0	0	0	0	0	0	0	0
Gekas, George W.	R	42	0	0	1	1	0	0	1	1	0	0	1	0	Utah														
Goodling, Bill	R	50	1	0	0	0	0	1	1	1	0	0	1	1	Cannon, C.	R	50	1	0	1	1	0	1	0	1	0	1	0	0
Greenwood, James	R	42	1	0	0	0	1	1	0	1	1	0	0	0	Cook, Merrill	R	50	1	0	0	1	0	1	1	1	0	0	1	0
Hoeffel, Joseph M.	D	42	0	0	1	0	1	1	0	0	1	0	1	0	Hansen, James V.	R	33	1	0	0	1	0	1	0	1	0	0	0	0
Holden, Tim	D	33	0	0	0	1	0	1	0	0	0	1	0	1	Vermont														
Kanjorski, Paul E.	D	50	0	0	1	1	0	1	0	0	1	1	0	1	Sanders, Bernard	I	58	0	0	1	0	1	1	0	0	1	1	1	1
Klink, Ron	D	50	1	0	1	0	1	1	0	0	1	0	0	1	Virginia														
Mascara, Frank R.	D	25	0	0	1	1	0	1	0	0	0	0	0	0	Bateman, Herbert	R	42	1	1	1	0	0	1	0	1	0	0	0	0
Murtha, John P.	D	33	0	0	1	1	0	1	0	0	1	0	0	0	Bliley, Thomas J. Jr.	R	33	0	1	0	1	0	1	0	1	0	0	0	0
Peterson, John E.	R	44	1	0	0	1	0	1	0	x	x	x	1	0	Boucher, Rick	D	50	0	0	1	1	1	1	0	0	1	0	1	0
Pitts, Joseph R.	R	55	1	x	0	1	0	1	1	1	0	0	1	0	Davis, Thomas M.	R	42	0	1	1	0	0	1	0	1	0	0	1	0
Sherwood, Donald	R	36	0	0	0	1	0	1	1	1	0	x	0	0	Goode, Virgil H. Jr.	I	58	1	0	0	1	0	1	1	1	0	1	0	1
Shuster, Bud	R	60	x	0	0	1	0	1	1	1	0	x	1	1	Goodlatte, Robert	R	75	1	1	0	1	0	1	1	1	0	1	1	1
Toomey, Patrick J.	R	67	1	0	1	1	0	1	1	1	0	1	1	0	Moran, James P.	D	42	0	1	1	0	1	1	0	0	1	0	0	0
Weldon, Curt	R	33	1	0	0	1	0	1	0	1	0	0	0	0	Pickett, Owen B.	D	33	0	0	1	1	0	1	1	0	0	0	0	0
Rhode Island															Scott, Robert C.	D	42	0	0	1	0	1	1	0	0	1	0	1	0
Kennedy, Patrick J.	D	45	0	0	1	0	1	1	0	x	1	0	1	0	Sisisky, Norman	D	25	0	0	1	1	0	1	0	0	0	0	0	0
Weygand, Bob	D	42	0	0	1	0	1	1	0	0	1	0	1	0	Wolf, Frank R.	R	33	0	1	0	1	0	1	0	1	0	0	0	0
South Carolina															Washington														
Clyburn, James E.	D	33	0	0	1	0	0	1	0	0	1	0	1	0	Baird, Brian	D	42	0	0	1	1	0	1	0	0	1	0	1	0
DeMint, Jim	R	75	1	1	0	1	0	1	1	1	0	1	1	1	Dicks, Norm	D	50	0	1	1	0	1	1	0	0	1	0	1	0
Graham, Lindsey	R	58	1	0	1	1	0	1	1	1	0	1	0	0	Dunn, Jennifer	R	50	0	1	1	1	0	1	0	1	0	0	1	0
Sanford, Mark	R	75	1	1	1	1	0	1	1	1	0	1	0	1	Hastings, Richard	R	58	1	1	1	1	0	1	1	1	0	0	0	0
Spence, Floyd D.	R	50	1	1	0	1	0	1	1	1	0	0	0	0	Inslee, Jay	D	42	0	0	1	0	1	1	0	x	1	0	1	0
Spratt, John M. Jr.	D	25	0	0	1	0	0	1	0	0	0	0	1	0	McDermott, Jim	D	56	0	1	1	0	1	1	0	x	x	x	1	0
South Dakota															Metcalf, Jack	R	58	1	0	0	1	0	1	1	0	1	1	0	1
Thune, John	R	67	1	1	1	1	0	1	0	1	0	0	1	1	Nethercutt, George	R	58	1	1	1	1	0	1	1	1	0	0	0	0
Tennessee															Smith, Adam	D	50	0	1	1	1	0	1	0	0	1	0	1	0
Bryant, Ed	R	25	1	0	0	1	0	0	0	1	0	0	0	0	West Virginia														
Clement, Bob	D	25	0	0	0	1	0	1	1	0	0	0	0	0	Mollohan, Alan B.	D	27	0	0	0	1	0	x	0	0	1	0	1	0
Duncan, John J.	R	67	1	0	0	1	0	1	1	1	0	1	1	1	Rahall, Nick J.	D	42	0	0	1	1	1	0	0	1	0	0	1	0
Ford, Harold E. Jr.	D	33	0	0	1	0	0	1	0	1	0	1	0	1	Wise, Bob	D	27	0	0	0	1	0	x	0	0	1	0	1	0
Gordon, Bart	D	33	1	0	1	1	0	1	0	0	0	0	0	0	Wisconsin														
Hilleary, Van	R	58	1	0	0	1	0	1	1	1	0	1	0	1	Baldwin, Tammy	D	58	0	0	1	0	1	1	0	1	1	1	1	1
Jenkins, Bill	R	42	1	0	0	1	0	1	1	1	0	0	0	0	Barrett, Thomas M.	D	58	0	1	1	0	1	0	0	1	1	1	1	1
Tanner, John	D	33	0	0	1	1	1	0	0	0	0	0	0	0	Green, Mark	R	67	1	1	1	1	0	1	1	1	0	0	1	0
Wamp, Zach	R	75	1	0	1	1	0	1	1	1																			

## Essay

# Learning from Hillsdale

by R.W. Bradford

The scandal at Hillsdale College is not merely a tawdry story of incest and suicide: it has important lessons about the abuse of power and the meaning of liberty.

The sad events of the past few months at Hillsdale College, an institution that has been an important source of pride for libertarians and conservatives alike, underscore two important lessons that even we are sometimes prone to forget.

*Lord Acton's famous maxim, "Power tends to corrupt and absolute power tends to corrupt absolutely," applies to non-political power, as well as to political power.*

There is a temptation to see former Hillsdale President George Roche as a tragic figure, a man undone by giving in to temptation (in his case, to have a sexual relationship with his son's wife). But this was neither the first nor the only temptation that got the better of him.

Economist Robert Anderson, who brought Roche to Hillsdale, has written how Roche, shortly after he arrived, acquired a very expensive new sports car — a Porsche 911 Targa. This was in the days before he developed his extraordinary ability to raise funds, and the college was on hard times. Anderson explains:

During the fiscal year 1971-72 the administration had all of us on an austerity budget to keep the operating deficit to a minimum. Faculty were requested not to incur any expenses unless absolutely necessary. It was a "belt-tightening" time at Hillsdale. So imagine my shock when it was discovered that the expensive sportscar had been purchased at college expense, at George's request!

Ordinarily, people with corrupt inclinations inhibit them because of pressure from others or in order to try to maintain a good reputation. But once Roche began to develop his remarkable ability to get wealthy conservatives and libertarians to part with large piles of cash, those around him were reluctant to provide that feedback or to speak publicly about what they knew. The funds he raised transformed Hillsdale from a quite respectable but undistinguished small school that had a more or less hand-to-mouth existence into an extremely well-endowed small school with a national

reputation as a liberal arts college with a conservative inclination. To some at Hillsdale, that accomplishment was so great that they looked the other way when Roche spent extravagantly and limited the free play of ideas on campus. Others were so unhappy about the situation that they simply left Hillsdale. But they, too, were reluctant to speak publicly about the subject: who would believe them? And, I suspect, they also were reluctant to harm the reputation of an institution like Hillsdale.

And so, as time went on, Hillsdale built upon its reputation as a conservative bastion so steadfast that it refused to allow its students to accept federal loans. As Roche got better and better at raising money — he raised \$45 million in 1998 alone! — he not surprisingly got more and more brazen.

I suspect he began to think of himself as somehow apart from mere mortals. When the opportunity to have an affair with his daughter-in-law came around, he probably figured he'd have as easy a time getting away with it as he had had while getting the college to purchase him an expensive sports car at a time when its professors were trying to conserve paper clips.

Roche's corruption was certainly known to many around him. He and his daughter-in-law kept their affair secret, but when his son told others that his wife had told him about the affair shortly before her suicide, no one at Hillsdale responded with disbelief, as nearly as I can tell from reading press reports. They knew what kind of man Roche was.

Of course, if he had had a clear moral compass, he would not have been corrupted. He also would have been less adept

as a fund-raiser, since he would not have been able to play fast and loose with donors, as Bettina Bien Greaves describes him as doing in the April *Liberty*. But he did not seem to

*When the opportunity to have an affair with his daughter-in-law came around, Roche apparently figured he'd have as easy a time getting away with it as he had had while getting the college to purchase him an expensive sports car at a time when its professors were trying to conserve paper clips.*

have a moral compass at all. His moral failure has harmed both the conservative cause and the libertarian cause.

Let us never forget: Private power can be just as corrupting as state power.

The second lesson of the Hillsdale scandal is:

*It takes more than lip service to libertarian ideals and a refusal to accept government funds to create a good libertarian college.*

A surprising number of readers argued that it's somehow inappropriate (or even wrong) to publish an article about an institution that receives no government funding. Typical is the following:

I don't understand why *Liberty* devoted almost four pages to this author's silly concerns about the lack of tolerance at Hillsdale, a totally private institution. Indeed, having steadfastly demonstrated its intolerance of tax funding, Hillsdale has my permission to be intolerant of anything they [sic] please. (Letters, March, pp 20, 38)

I don't understand this complaint. I suspect its author has conflated the non-aggression principle with the totality of morality. While the prohibition of initiated force is certainly a good moral principle, the notion that anyone who complies with it is morally pure and should not even be written about is just plain silly.

*Liberty* is not an avenging angel bent upon exposing

people who violate libertarian ethics. Our readers are interested in more than the question of whether one or another individual or institution has violated the non-aggression principle. We seek to publish intelligent and provocative writing that is of interest to people who value human liberty. "Is It True What They Say About Hillsdale?" is an intelligent and provocative piece of writing. Its subject, serious problems at a libertarian-oriented college, is manifestly of interest to friends of liberty. If I had an opportunity to decide again whether to publish the story, the only thing I'd do differently is to feature it more prominently on our cover.

Over the years, I've met a good many Hillsdale graduates. Most were intelligent and thoughtful people. Some were conservative, some were libertarian, and one was a left-liberal. Usually, they were reluctant to talk about their Hillsdale experience, but as I got to know them, the subject of the college's intellectual atmosphere almost always came up. Every person I've spoken with on the subject has told me that there were severe boundaries on discussion and intellectual inquiry at Hillsdale. While all but one were appreciative of many aspects of the college — it is one of the few schools where one can get a solid liberal arts education today — all were relieved when they left and could finally discuss the ideas they had encountered more freely and openly. All complained that the boundaries on inquiry were established by George Roche. More than one accused him of creating a "cult of personality."

I don't know why Roche didn't want an atmosphere of free and open inquiry. Perhaps, like many sociopaths, he was insecure and wanted a high degree of control. Perhaps he feared that open inquiry would result in publicity that would undermine his ability to get money from conservatives. Perhaps there was an authoritarian strain in his soul.

But it seems certain that Hillsdale would have offered its students a better education if its intellectual atmosphere had been more open. "The marketplace of ideas" should be unregulated.

There is more to libertarianism than refusing government funding. □

## Hillsdale and the Standards of *Liberty*

According to Gary Wolfram of Hillsdale College, we had a lapse in judgment when we decided to publish an article on the Roche regime, "Is It True What They Say About Hillsdale?" (February). This raises an interesting question: what standards does *Liberty* employ in deciding what to publish?

The first thing we look for is simple: writing that promises to interest a fair number of libertarians and other intelligent readers.

It is pretty obvious that "Is It True What They Say About Hillsdale?" is important and interesting. It's important because Hillsdale is a unique educational institution, of special importance to libertarians and conservatives. By refusing federal funding, the college gained a supremely well-deserved reputation for independence. And by staffing

its faculty with prominent libertarians and conservatives, it gained a reputation for offering education free of the left-liberal nonsense that passes for education in schools that accept government funding and the regulation that goes along with it.

It's equally obvious that the article we published is interesting. It involves the famous, highly-visible, highly-paid president of a small but very well-known college and the accusation that he had a long-time affair with his daughter-in-law, an affair that led to her suicide. The story is interesting enough to have appeared in many venues, ranging from daily newspapers to intellectual reviews to major magazines. Most of the stories dwelled on sensational and

*continued on page 32*

# Hillsdale as an Ordinary College

by Robert Campbell

Hillsdale College's advocates like to think of that institution as something special, but one observer sees parallels to a state-funded college.

The recent articles about Hillsdale College ("Is It True What They Say About Hillsdale?" February and "The Truth About Hillsdale," April) raise some questions about the management of academic institutions that are rarely discussed in the libertarian press.

I agree with Professor Wolfram that Anonymous failed to make elementary distinctions when he (or she) called a private institution a "police state" and referred to the administration's heavy-handed editing of the *Hillsdale Collegian* as "censorship." What's more, if Hillsdale wants to conduct night-time searches of dormitory rooms, it can proclaim, in the housing contracts that it offers its students, that it reserves the right to do such things. (Whether it ought to be doing so, and whether students and their families are in their right minds to sign such contracts, are another matter.)

Anonymous doesn't seem to know any better. But surely a Professor of Political Economy would understand what kind of organization Hillsdale College is. Wolfram characterizes Hillsdale as "a firm that must compete for customers and sell a product," like Nike or General Motors. Hillsdale, however, is a non-profit institution. It has no bottom line and no shareholders. There is no way for investors who think that the Board of Trustees is in the President's pocket and that Hillsdale is inadequately managed to mount a takeover bid. Moreover, Hillsdale's students are its customers, not its employees. Yet Wolfram implies that students are employees: for him, permitting a college-funded student newspaper to run stories that the Hillsdale administration doesn't want run is like allowing a Nike-funded employee newsletter to criticize Nike's management or knock the quality of its product lines.

What's more, Wolfram discerns no differences between a corporation whose product is athletic shoes and an organization whose product is a classical liberal education. These

days, a lot of management experts doubt that a corporation like Nike will continue to function adaptively in the shoe market if its employees are never allowed to question the rationale for a management decision. But insofar as open inquiry and open voicing of criticism — something approximating a free exchange of ideas — are among the ingredients of a quality liberal education, we might expect an organization with Hillsdale's declared mission to draw well back from squelching any kind of criticism, even criticism of its own administration.

Wolfram, however, sees nothing wrong with systematically withholding information about Hillsdale's internal workings or about the conduct of its managers. (He never does get around to saying what ex-President George Roche III did that led to his forced retirement, or, for that matter, why he was allowed to retire and keep his golden parachute instead of being fired. Like the Hillsdale Board of Trustees and the college's public relations apparatus, he implies that what Anonymous says about George III and Lissa Roche is false, while adamantly refusing to specify what is true. He cannot even mention the ensuing "scandal" without putting the dread word in scare-quotes.) He maintains that "Hillsdale must protect its image in the same way that Nike, Pepsi, General Motors, or Disney must." Any published statement about the college that does not meet the approval of Hillsdale administrators must consist of "allegations and rumors"; indeed, "it would be ridiculous for the college administration to allow students to print articles that did damage to the college's reputation."

To Wolfram it doesn't seem to matter whether statements that, in the opinion of administrators, might harm the college's reputation are true or false. I don't think I am being unfair in concluding that, from his standpoint, true stories about embarrassing episodes on campus and true revelations of mismanagement ought to be contained at least as vigorously as false ones.

The company line that Wolfram is taking is wearily familiar to me — even though I work at a taxpayer-funded university, not at a private institution that has fought incredibly hard to stay beyond the reach of Federal tentacles. The administration at my university is not allowed to interfere editorially with the student newspaper. And senior faculty cannot be fired for criticizing the administration in public (unfortunately, their protection comes from the tenure system, which means that they also cannot be fired for being incompetent). Within these constraints, however, upper administrators at my university behave a lot like upper administrators at Hillsdale College (while most likely longing for their counterparts' enhanced authority to silence criticism). And, I regret to say, my upper administrators' yes-men and women on the faculty behave a lot like Prof. Wolfram.

Like their peers at Hillsdale College, administrators and trustees at Clemson University are morbidly preoccupied with negative publicity. At Clemson, administrators generally refuse to acknowledge past or present mismanagement because, they claim, such admissions will result in bad press and reductions in the annual appropriation from the state legislature. At Hillsdale, the corresponding fears are of bad press and offended donors. In both cases, covering up mismanagement takes priority over correcting it. (There is a documented case in which the President of Clemson concealed evidence of massive embezzlement by an administra-

other businesses, higher management will ignore employees who dare to bring complaints, or single them out for reprisals. Wolfram doesn't tell us what kind of response Hillsdale students can expect from administrators. But at a college that reportedly didn't just expel Mark Nehls for publishing

---

*Open inquiry and open voicing of criticism are critical ingredients of a quality liberal education.*

---

an unauthorized newspaper off-campus, but intimidated (or bribed) him into signing a non-disclosure agreement, it is pretty clear which sort of business is being emulated.

Prof. Wolfram puts remarkable trust in local newspapers to bring to light what college administrators don't want known. "If these rumors that *Liberty* magazine allowed Anonymous to spread had been factual, they would have appeared in the local newspaper, the *Hillsdale Daily News*." Yeah, sure. How much investigative reporting has the *Hillsdale Daily News* ever done? How does its editorial board feel about running stories that might antagonize the trustees and the administration of Hillsdale College? A South Carolina paper with much more influence and a much higher circulation than the *Hillsdale Daily News* periodically runs stories planted by the Clemson Board of Trustees, or editorials that suck up to them.

Again just like Clemson administrators, Hillsdale administrators point to the *US News & World Report* rankings as irrefutable answers to every question about their performance. I am not bringing this issue up to cast aspersions on the quality of the faculty at Hillsdale, or their dedication to teaching and learning (though I do kind of wonder what those biology professors with degrees from Michigan and Purdue are allowed to teach about evolution). My point is, rather, that all of these competitive rankings of universities are heavily dependent on information that administrators are willing to disclose to the ranking service. It might be useful, for example, to score universities on the percentage of their revenue that they spend on administration, but none of the rankings could depend on this information, because no American university reports it to the public (and very few bother to keep track of it for themselves). There is a lot going on at colleges and universities that ranking services have no way of knowing about — and a fair amount of administrative effort goes into making sure that it stays that way. Indeed, universities sometimes fry the numbers that the ranking services request from them. *US News* has steeply discounted raw student to faculty ratios after learning the hard way that the ratios can be padded with "faculty" who do no teaching or research. Other kinds of misleading information are harder to catch and harder to compensate for.

Prof. Wolfram says of his numerous press conferences and op-eds, "Never once have I been spoken to about this by the college's administration, except in the most positive terms." Have any of his public utterances pertained to the administration of Hillsdale College? Have any of them criti-

---

*Hillsdale is a non-profit institution. It has no bottom line and no shareholders. There is no way for investors who think that the Board of Trustees is in the President's pocket and that Hillsdale is inadequately managed to mount a takeover bid.*

---

tor out of fear that the annual legislative appropriation would be cut. I don't know whether anything comparable has taken place at Hillsdale. After all, it took 70 years before the cover-up at Clemson was exposed.)

Like their counterparts at Hillsdale, Clemson administrators want students and faculty to go through channels when there is a problem, and denounce those who make such problems known externally as traitors. Of course, going through channels rarely gets the problem solved at a state agency like Clemson. Prof. Wolfram is sure that Hillsdale is different: "Hillsdale College is a business and businesses take care of problems internally and . . . the line of communication [is] directly open." Well, in some businesses, higher management will listen to what employees have to say and will honestly investigate charges of mismanagement. In

cized any manager, or any management decision? The faculty members who, according to Anonymous, didn't dare talk to reporters were obviously faculty members who were critical of the administration.

Higher education in America is so dominated by taxpayer-funded or subsidized institutions that Hillsdale College, which for too many years was essentially alone in being neither, has been asked to satisfy too many expectations. According to a piece in *Lingua Franca* a few years back, efforts to placate both libertarian and social conservative supporters of the institution have often led to weird compromises not terribly pleasing to either faction. If most colleges and universities were private (either for-profit or non-profit) a wide variety of market niches would be filled, and which ones Hillsdale might be trying to fill wouldn't matter a

whole lot except to prospective customers. Nonetheless, Hillsdale has been out there by itself. What's more, under George Roche III it claimed to set an example that would outshine standard operating procedure in the taxpayer-funded sector. Well, the taxpayer-funded sector has no shortages of administrators who lie, intimidate, stonewall, and keep everyone in the dark in order, so they claim, to preserve the reputation of their institution. Nor do taxpayer-subsidized institutions lack for faculty members who have given up expecting their administrators to behave with integrity, and have turned to admonishing the rest of the world not to expect such an awful thing. No matter what the faculty and the students are contributing, an administration tolerant of bad management and intolerant of criticism will degrade the quality of a liberal education. □

### "Hillsdale and the Standards of *Liberty*," from page 29

sordid details; our story mentioned them, but focused on the more substantial issue of how the Roche administration initiated and maintained policies that seem inimical to good education.

I don't think that Dr. Wolfram, or any of the readers who complained about our running the piece, would claim that the story isn't interesting or important: their complaints and criticisms are evidence to the contrary.

The second thing we look for in a story — one we always insist on — is that it be as factual as its author and our editorial staff can make it. We strongly encourage our authors to check their articles to make sure they're factual in every respect. Our editors "fact-check" every article we publish. This doesn't mean that we never make a factual error; publishing 600,000 words a year is a big job, our staff is small, and inevitably we miss an error or two, which we try to correct in subsequent issues.

An article like "Is it True What They Say About Hillsdale?" presents us with two special challenges in this regard.

First, its author's insistence on remaining anonymous undermines his or her credibility. Any intelligent reader will naturally wonder, "The author wants to keep her name secret. What else is she trying to hide from us?"

Secondly, some of the facts it includes concern events

witnessed only by its author or revealed to the author by a single witness. These are not subject to independent verification. It's a simple matter to check an author's claim that, say, George W. Bush never graduated from college. It's not so easy to check an author's claim about his own experience.

We publish anonymous articles only if (a) the author insists on anonymity, (b) the author has a credible reason for wanting anonymity, and (c) we have good reason to believe the author is careful about the facts.

In this case, the author had a credible reason to maintain his anonymity: he is an alumnus of Hillsdale whose friends at the college (people who provided some of the testimony he recounts) had reason to believe they might face reprisals from the school. So the issue quickly reduced itself to the question of whether the author was telling the truth.

There are two ways to evaluate the truth and accuracy of an article like this: you can check the credibility of its author and you can check the facts as he presents them against other available information.

The first thing I did was review what I knew about Anonymous. I have known her for a considerable period of time and have always known her to be an honest person who is careful about getting the facts right.

I checked the story against what I knew about Hillsdale. I have known several people who studied at Hillsdale during the Roche regime. Anonymous's charges are entirely consonant with what these other individuals have told me about life at Hillsdale.

I circulated the story to individuals who have first-hand knowledge about the college. They said it rang true. One noted a minor factual error, which the author happily corrected.

I compared the story to what I read elsewhere, in area newspapers and in national publications that covered events at Hillsdale. The story was consistent with their accounts.

As I do with any story that uses unnamed sources, I asked Anonymous to tell me the identities of his sources and explain why he believed them to be accurate. He was happy to do so and the sources were credible.

—R. W. Bradford

"... And when I regained consciousness, the silver lining was gone!"



# The State and the Arts

*by Alan Bock*

A highbrow attack on lowdown arts bureaucrats.

We haven't heard much recently about cutting funding for the Corporation for Public Broadcasting, the National Endowment for the Arts or the National Endowment for the Humanities. Sen. Jesse Helms and a few others were willing for a while to endure the obviously overwrought, alarmist rhetoric — cut this funding and decent, intelligent broadcast programming, independent and innovative artistic endeavor . . . indeed, culture itself will dry up and shrivel away. But even Helms could not be expected to endure this onslaught of nonsense forever, not without some visible signs of support more intense than was forthcoming from the electorate.

Where I work, in Orange County, California — home of one of the few entirely privately-financed world class performing arts centers in the country and some of the most conservative voters and members of Congress in the land — the demand to get the government out of the arts resonated hardly at all. Rep. Dana Rohrabacher, who used the NEA issue to gain a certain amount of notoriety when he first entered Congress, has moved on to other issues. And an effort by wealthy donors to take over the local Republican central committee under the suitably vague banner of "promoting diversity" (which wasn't the issue; the real issue was being tired of the local leader) saw the coining of a new term that explains much of the difficulty around the issue of government and the arts: "Music Center Republicans."

It's difficult to see any ideological difference between these worthies and the precinct-worker types; it's more a matter of style. Some of them are new dot.com billionaires, most of them recent money (which in Orange County terms means the last 15 years or so) who like to attend events at the music center, whether to enjoy the offerings (most of which are first-rate) or to be seen as cultured. Some of them are virtually libertarians, some are moderate, some are quite conservative. But almost all see the usual kind of criticism of government funding of the arts — they're making the taxpayers pay for porn — as simply too, well, lowbrow and hickish

---

to be endured, let alone encouraged.

When conservatives feel that way, there's not much leverage for those who think government funding of the arts deserves critical attention. Perhaps the way to make the case is to explore how government funding in its present form tends to reward cultural mediocrity and stifle people's critical and appreciative faculties and judgment.

Rather than making a lowbrow argument, in short, those who see government subsidies for culture as potentially dangerous or at least not helpful to the cause of a more cultured nation should come at the issue from a highbrow perspective, noting the ways in which government funding rewards political skills like schmoozing, flattery and faking accountability in grant applications more than it rewards genuine artistic merit or authentic innovation.

Here's a datum about government funding that I for one find at least mildly alarming. I have become convinced that what most of the media call the arts community in the United States doesn't actually want government funding because the pittance received from the state is necessary or especially important for cultural endeavors to flourish (though the extra bucks are not unwelcome and most are more than ready to plead poverty if that's the approved game). They really want the programs and the money because they want the seal of approval from government authorities that the funding implies.

Even sadder is that many private philanthropists and other supporters of cultural endeavors want government funding to continue for similar reasons. Frightened to death of making independent cultural judgments based on their own knowledge and taste, many private funders want the

government to take the lead by declaring what is officially approved and officially sanctioned in cultural matters.

This is a sorry state of affairs. And considering the money involved (which in a total federal budget approaching \$2 trillion quite frankly isn't much), it's even sadder for the future of arts and culture in this country than it is for the taxpayers. Those who claim to be the guardians of art are selling their birthright for a mess of pottage.

Those who look at the figures are sometimes surprised at how little government actually contributes to the total budgets of many artistic and cultural organizations. Public radio

---

*Government funding rewards political skills like schmoozing, flattery and faking accountability in grant applications more than it rewards genuine artistic merit or authentic innovation.*

---

and public television, for example, get only about 14 percent of their funds from the national government.

A study of nonprofit arts agencies in Orange County, done in 1990 by Chapman University, showed that these organizations got only 5.3 percent of their income from government grants. Even looking only at donated income rather than earned income, only 13.3 percent of donated income came from government — compared to 29.6 percent from individual donations, 14.6 percent from businesses and corporations, 15.3 percent from foundations, 16.4 percent from fundraising events. Those figures are still typical.

But government gets a lot of leverage from that relatively minuscule forced contribution. Of the 37 organizations surveyed in the Chapman study, 11 said government had a "significant" influence on their presentations and nine said government has "somewhat" of an impact.

Again, that's hardly atypical. Only once in a blue moon does public broadcasting present a program that seriously undermines the image of government as an institution (though occasionally it mildly criticizes one or another particular agency or policy). More typical is, for example, the expansive series on fighting poverty, which was a paean of praise for government programs (despite cursory acknowledgment that they have failed to eliminate or significantly reduce poverty) concluding with a call for more of the same.

Pacifica Radio, criticized in congressional hearings a few years ago for presenting anti-white and anti-Jewish tirades from black activists, used to be supported only by subscribers. But it went on the government dole some years ago. I haven't done a systematic survey, but I've listened to Pacifica off and on for years. It's still radical, but it seems to me it's not as feistily leftist and anti-establishment as it used to be.

Could that be in part because Pacifica is taking government money? Will acceptance of government money furnish a lever whereby it will be made less feisty, more "respectable" over time? Much as I disagree with most of what Pacifica presents, that would be a shame.

An ancient maxim holds that "he who takes the King's shilling becomes the King's man." To be sure, many sterling

artists down through the ages have been quite comfortable to be kept agents of royalty or of private patrons — though many have chafed in this role. The belief in "art for art's sake" and the notion that artists are by nature avant-garde, anti-establishment rebels are quite recent in origin and relatively shallow in their cultural roots.

But the image of the feisty, independent cultural maverick is still strong in the arts community, coexisting, more often than not, with the firm belief that all arts should be subsidized by government. That translates in practice to something like this: The only way we can be feisty, anti-establishment rebels pushing the frontiers of innovative art while maintaining our self-respect as independent creators is for the establishment to give us some money.

Sound like perfect logic to you?

You might think that a truly independent rebel artist would be proud of getting no money, no support, no encouragement from the government and the establishment, thus validating his independence and maybe his dangerousness. And some — Lawrence Ferlinghetti comes to mind — have that independent, risk-taking attitude. But all too many so-called artists prefer brave avant-garde rhetoric issued from the safety of the dole.

The results of government patronage in this country are rather as you would expect. The government mostly funds the most respectable possible activities — symphonies, ballets, museums and the like — along with a few utterly banal examples of trendy pseudo avant-garde stuff like gay photographers or feces-smeared Madonnas, and a few organizations promising to preserve various stuff called folk art on an informal "diversity" quota system. Aside from the occasional piece that scandalizes Jesse Helms, much of this is worthwhile and is supported rather nicely from private sources.

But I can't think of a single masterpiece in any branch of the arts that came about as a result of the National Endowments for the Arts or Humanities. I've never heard anyone claim that a masterwork or even a new school or

---

*I've never heard anyone claim that a masterwork or even a new school or trend began as a government-funded effort.*

---

trend began as a government-funded effort. The NEA funds the safe and respectable, the mediocre and the shallow. Genuine innovation, as usual, takes place outside of official channels. And the more influence the official channels have, the less innovation or excitement American culture is likely to nourish. A look at the numbers suggests that the arts wouldn't die at all in this country if taxpayer support was totally ended. Indeed, a case can be made that since government leverages a tiny amount of money into a large and stultifying amount of influence, the arts would be less bureaucratic, more innovative and adventurous.

But until those recognized as spokespersons for the arts change attitudes developed over generations — that art is best validated by state support — such an artistically interesting development is unlikely.

# My Roman Holiday

by Robert Higgs

All roads may lead to Rome, but thank goodness there are roads out.

My Roman holiday began well enough, in France. Or, to be exact, in Belgium. But that's just a detail. Anyone who has been to Belgium can attest that it is little more than an industrial exurb of Paris. Or maybe of London. As the Spanish say, *no importa*.

The French driver who met us at the Brussels airport weaved his way south, moving from freeway to country highway and through many a treacherous traffic circle. After a drive of two hours, he delivered us to a small, faux-medieval inn tucked within the small town of Vervins-en-Thiérache, France, northeast of Paris, not far from the Belgian frontier. In the First World War the opposing armies turned this area into a merciless killing field, but today it is a placid region of well-tended fields and spiffy little towns.

At the inn, our host and the men with whom I would spend three days in amiable discussions — technically, this sort of conference falls under the rubric of "the leisure of the theory class" — made us feel ever so welcome. Aside from my wife Kathy and an observer from the sponsoring foundation, I was the only American in attendance, so good manners prevailed and the atmosphere remained congenial despite differences of opinion. The dishes prepared by the chef de cuisine, Annie, a middle-aged blond well furnished with spices and bursting with good will, ranged from good to exquisite. Excellent wines flowed freely at lunch and dinner. Intellectually and gastronomically, I had no complaints.

But nothing good lasts forever. After we had spent three days at Vervins, the driver returned us to Brussels, whence we winged our way to Rome via Virgin Express, which settled for collecting a \$99 Europe-by-Air coupon from each of us. At the time, this seemed like a good deal.

But I was making my first trip to the Eternal City, and I wasn't sure exactly what lay in store for me. Of course I had heard the tales about pickpockets. But I am a careful traveler,

and I proceeded with a light heart — well, as light a heart as I can muster at this stage — and in curious anticipation.

At Leonardo da Vinci (Fiumicino) Airport the customs officers took no interest in us. Half a dozen of them stood around joking with each other as we wheeled our excessive luggage past them into the lobby. We might have been bringing tons of cocaine or bales of hashish into their country. But maybe they already knew the details of the smuggling business and therefore understood that we played no part in it.

A convenient airport ATM coughed out hundreds of thousands of lire in exchange for what seemed an absurdly small number of dollars. I was reminded of Jimmy Carter's attempt to comfort his countrymen in the late 1970s by suggesting that we look at the bright side of inflation: pretty soon we'd all be millionaires. Well, the Italians beat us to it by a country mile. In Italy, a million won't even get you a decent seat at the opera. No wonder the Italians have such a positive outlook; they're all rich. (I was also reminded of Tricky Dick's priceless ejaculation, forever captured on the Nixon tapes: "Fuck the lira." But that's another story.)

Fiumicino is on the coast, Rome is not. By taxi, it takes forty minutes and a good deal of bobbing and weaving to make the journey from the airport to the heart of the city. As the cab scoots hither and thither through the tangled streets of the suburbs and the inner city, the visitor, if he be a wary sort, may suspect that he is being "taken for a ride" by the cabby. But how is a stranger to know, until it is too late? So we decided against leaping from the taxi, and in due course the driver delivered us to our hotel, on the Piazza Trinità dei Monti, at the top of the Spanish Steps. He settled for a fare of

73,000 lire, one third of the total being assessed as a supplement to the metered amount — you know, for the luggage.

The Piazza Trinità dei Monti features one of those phallic monuments so frequently encountered throughout the city — nobody ever accused the Italians of prudery. The piazza also affords a splendid vista across the city, a panorama displaying the dome of St. Peter's Basilica and countless other church domes and assorted spires. Rome has no skyscrapers, so in American eyes it seems underdeveloped. But what it lacks in verticality, it makes up for in compression. Many of the streets are narrow and crooked,

some atrocious luck to catch nothing at all. Some of the haul, I would imagine, is bacterial or viral, but perhaps that opinion is nothing but an old man's sour grapes. In any event, the young wannabe lovers form a human obstruction through which the passerby must pick his way with care, as the thick cigarette smoke limits visibility and challenges the lungs.

In the Piazza di Spagna, as in many other piazzas throughout the city, is a large sculpted fountain, around which adults sit and talk. Some of the younger ones kiss, and kiss, and kiss. Prolonged public kissing has been raised to an art form by the Romans. They can hold a kiss longer than a Polynesian pearl diver can stay under water. When they tire of simply locking their mouths together, they lick, bite, and suck each other's faces as if they were trying to score a perfect 10 in front of Olympic judges. I enjoyed the spectacle immensely. It reminded me of the continuing importance of making love, not war. Kathy and I tried to imitate the public kissers of Rome a few times, but we never got far before breaking the spell by laughing.

Of course, no visit to Rome would be complete without a trip to the Vatican. But one who is neither Roman nor Catholic may find some of the sights puzzling in the Pope's neighborhood. A friend of mine has observed that the modern world is teeming with medieval minds. She wouldn't find anything at the Vatican to disabuse her of that idea. One might even say that the Vatican specializes in medieval practices and trappings, as well as in displaying some great works of Renaissance art and architecture. The Basilica's dome, designed by Michelangelo, and the ceiling and maps of the Map Room at the Vatican Museum pleased me best. The Sistine Chapel is overrated. If you see one Sistine Chapel, you've seen them all. Besides, it's too crowded, even in February. I shudder to imagine what it must be like in July.

In the grottoes beneath the Basilica are buried many of the popes. The highlight of the collection is a reliquary said to contain the remains of St. Peter himself. As a connoisseur

*Prolonged public kissing has been raised to an art form by the Romans. Kathy and I tried to imitate the public kissers of Rome a few times, but we never got far before breaking the spell by laughing.*

of reliquaries, I spent a long time holding my place among the crowds of devotees who strained to gain access, crossing themselves earnestly while glimpsing the small metal box through the glass shield holding them at bay. The Vatican Museum also has a large case of assorted medieval reliquaries that I highly recommend. For a long time, I stood blissfully before it, surveying its contents with a rare sense of fulfillment, until Kathy threatened to leave the museum without me if I didn't come along. Truly, life's keenest pleasures are but fleeting.

In the Basilica, not far from the high altar's imposing

*They dress, as nearly every Roman does, entirely in black. They smoke, as nearly every Roman does, incessantly. How I envied the man who owns the Marlboro franchise in that city!*

and the locals whiz through them at high speeds, with numerous noisy motor scooters and motorcycles darting among the cars and buses. Astonishingly, during our four days in the city, we witnessed not a single pedestrian being struck by a motor vehicle.

The hotel at which we stayed bills itself as "Your Home in Rome." I suppose I can't argue against the motto, conceptually. But perhaps it suggests a slightly unwarranted sense of security. On the second day of our stay, the kindly and helpful desk clerk volunteered to act as my middleman in acquiring two tickets to *La Traviata* for 200,000 lire. (Note well: that's for a neighborhood production; the big-enchilada opera downtown, which was not in season, costs a great deal more.) As it turned out, circumstances precluded the consummation of the clerk's intermediation, and later I bought the two tickets at the door of the opera for 90,000 lire. Who knows? Maybe Romans try to cheat each other at home, too, making "Your Home in Rome" not such a bad description for our hotel.

From the small piazza adjacent to our hotel, we could proceed down the long, artistically curving Scalinata di Spagna, built in the 1720s, to the larger Piazza di Spagna. Near the top of the stairs is a landing abutted by a marble plaque that makes a picturesque backdrop for a tourist's photograph. Like others visiting for the first time, we paused for a picture. But tourists do not linger long there, we discovered, because four slits in the pavement in front of the plaque evidently provide ventilation for an underlying sewer, and the area stinks, as they say, to high heaven.

Farther down the stairway, whether in daytime or at night, one finds hundreds of older teenagers and twenty-somethings lounging on the steps. They dress, as nearly every Roman does, entirely in black. They smoke, as nearly every Roman does, incessantly. How I envied the man who owns the Marlboro franchise in that city! The young people gather in tight little clusters of six, eight, or ten persons, shoulder to shoulder, those in front often leaning back to rest their heads in the laps of those behind. They chat idly and gaze about languidly. Clearly they are looking for love, and in such a teeming sea of possibilities, it would take

canopy built of bronze ripped from the roof of the Pantheon, stands a famous bronze statue of St. Peter. Pilgrims line up to kiss or touch the right foot, worn shiny by centuries of such expressive adoration, in order to gain some miracle, great or small. Notable among those who took their turn at the saintly toes were a prodigious number of giggling Japanese girls, who paused in pairs, each girl touching the sacred foot and smiling stiffly toward a third girl who photographed the scene for the folks back in Osaka. That photographic delay did not seem to amuse the old ladies in wheelchairs or the other afflicted pilgrims who had to wait even longer to gain access to the statue's miraculous foot.

After three days of hemorrhaging lire on taxi fares, spicy roast lamb, genuine (thin) Italian pizzas, and museum admission tickets, I realized that still another raid on an

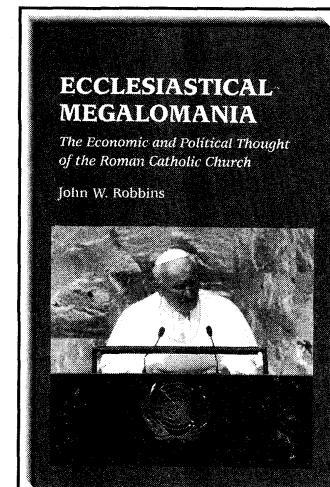
*Little did I realize that, lurking along the street, waiting for just such a man as I, were a gypsy woman and her accomplice, a brat of perhaps eight or ten years.*

ATM would be necessary to carry us through the remaining day in Rome. So I set out early to locate one of those magical cash-dispensing contrivances with which Rome is amply equipped. Little did I realize that, lurking along the street, waiting for just such a man as I, were a gypsy woman and her accomplice, a brat of perhaps eight or ten years. Had I

not been looking about for the sought-after ATM, I would, upon spying them, have immediately protected myself, but my attention was focused at long range, and my misfortune turned out to be all too near.

Suddenly, the woman and the boy fell upon me, the woman jabbering plaintively, as if begging, in a language I could not understand while thrusting toward me a small placard containing writing I could not read — at least, not in the one or two seconds I had to react. Not wishing to give the beggars anything, I continued to stride forward along the sidewalk, but the woman interposed herself in front of me, blocking my progress, still jabbering animatedly and shoving the placard toward me. Determined to proceed nonetheless, I pushed on. But at that instant the kid latched firmly onto the coat sleeve of my right arm with both his grimy little paws. The woman was still bumping into me, but I managed to fling the offending urchin onto a parked car and break free of the dirty duo, whose curses followed me. (You don't have to know a language to understand when you are being cursed.) The whole encounter had taken no more than four or five seconds.

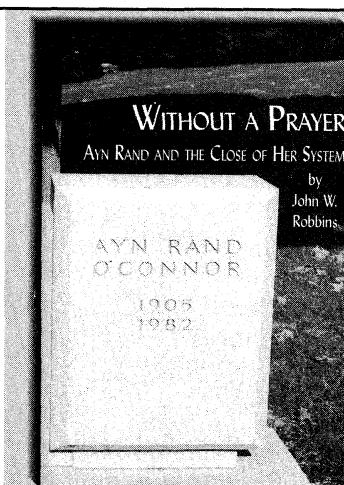
I interpreted the event as nothing more than one of the Continent's characteristic nuisances — I have spent enough time in Europe to know that you can't travel far there without having to fend off gypsies. But five minutes later, when I had located an ATM and reached into my jacket pocket for my wallet, I instantly realized that I had been victimized in a textbook execution of pocket picking. Obviously, as I had turned to fling the boy away, the woman had artfully reached into my inside jacket pocket and



**Ecclesiastical  
Megalomania:**  
*The Economic and Political  
Thought of the Roman  
Catholic Church*  
John W. Robbins

326 pages, indexed, hardback,  
\$29.95; paperback \$19.95

*Ecclesiastical Megalomania* demonstrates, as Lord Peter Bauer said, "Ecclesiastical economics is envy exalted," and as Lord Acton warned: "Absolute power corrupts absolutely." Hundreds of quotations from scores of papal encyclicals, decrees, bulls, and conciliar pronouncements demonstrate the hostility of Catholic social thought to the private property order, capitalism, and limited government.



**Without a Prayer:**  
*Ayn Rand and the Close of  
Her System*  
John W. Robbins

382 pages, indexed,  
hardback \$27.95

"Dr. Robbins is a Christian scholar, an indefatigable researcher, and a brilliant logician.... There are no *ad hominem* tactics in this book, no debater's tricks; just straightforward reasoning at a high level. A well-structured argument is a work of art; to follow this one is an exhilarating experience."

--Edmund A. Opitz

Both books may be purchased from

**The Trinity Foundation**

Post Office Box 68 • Unicoi, Tennessee 37692

Telephone: 1.423.743.0199 • Fax: 1.423.743.2005

Website: [www.trinityfoundation.org](http://www.trinityfoundation.org) • Email: [jrob1517@aol.com](mailto:jrob1517@aol.com)



snatched my wallet. If you admire people who are good at what they do, you have to admire those two damnable thieves.

I would be less than frank, however, if I said I was overwhelmed with admiration. The wallet contained not only a couple of hundred dollars worth of currency but my driver's license, a VISA card, an ATM/debit card, and assorted other things of substantial value to me if not to anyone else. So I was pretty pissed off. And afterward I looked forward without regret to my impending departure from the Eternal City. Of course, one might have had his pocket picked anywhere, but the fact remains that I spent fifty-six years in other places without having my pocket

picked, and I lasted only three days in Rome before suffering that particular misfortune. (My money belt, which Kathy always ridicules me for wearing when I travel abroad, contained my reserve stash, so my loss was substantially less than total.)

After placing several frantic phone calls to cancel the VISA and ATM/debit accounts and making other adjustments to cut our losses, we escaped from Rome the following morning, heading back to Seattle with a stopover in London. Heathrow Airport had never looked better. I still couldn't understand a word the natives said to me, but somehow I felt a little less vulnerable than I had in the vicinity of His Holiness. □

## "Letters," from page 6

February, the long term rates actually dropped. I predict that if those rates stay down, that the Fed's next move will be to drop rates no matter what the economy is doing.

Greenspan, good libertarian that he is, has apparently said that he doesn't think that the Fed is necessary. An appraisal of what he is actually doing suggests that he is doing nothing to "manage" the economy. As a matter of fact, he may well be laughing at the wise fools who make a good living by calling themselves "fed watchers." The economy is doing well. If Mr. Paul wants to know how the Clinton administration is helping the economy become great, he should read *The Fable of the Bees* by Mandeville, a work now almost 300 years old. Mandeville pointed out that powerful nations become prosperous because vice is rampant.

Erwin J. Haas  
Grand Rapids, Mich.

### Be Careful What You Wish For

I was very pleased to read Ron Paul's "Greenspan Go Home." What he said badly needs saying. However, I think that he has made at least one mistake, not in economics, but in politics. I think that Paul underestimates the strength of the agitation for even more inflation and credit expansion than Alan Greenspan is willing to create. This agitation is coming from some rather surprising places. For example, it was one point of Dan Quayle's now defunct presidential campaign.

More surprising still is the view of Richard Salsman, a professed Objectivist and author, believe it or not, of a book called *Gold and Liberty*. In an interview published in the on-line

*Capitalism Magazine* in December 1999, he states that if the economy does not do well in the coming years, it will be because the Federal Reserve raises interest rates. Evidently, he does not see a problem in the fact that the Fed has kept interest rates down for decades. Paul's possible mistake is to assume that Mr. Greenspan does not understand the consequences of his policies. I cannot deny that this is possible, even considering his past writings; it is hard to overestimate the human capacity for self-deception. Even so, five words keep running through my head, and I cannot help thinking how appropriate — and how true — those words would be as a farewell message when Greenspan does leave office. The words are: "Brother, you asked for it!"

Michael P. Underwood  
Arlington, Va.

### The Dark Ages in a Nutshell

Why is *Liberty* wasting valuable paper, ink and time on publishing the grunting and flatulenceation of bible thumping Neanderthals (Letters, March)?

The ultimate Christian virtue is not neither brother-love, nor sacrificing oneself for the benefit of others, nor charity, nor faith, nor piety. The ultimate Christian virtue is the "virtue" of "not knowing." It is the one which guarantees the others. The infamous period known as the Dark Ages, with its brutish ignorance, unquestioning faith, tyranny of the church, grinding poverty, filth, disease, superstition and bloody holy wars, was the Golden Age of Christianity. In this age people ascribed everything to a presumed something called "God" or "Satan," depending

upon whether the "thing" ascribed was considered good or bad; they died in droves from plagues, and cringed in paralyzing terror from the bellowing threats of eternal damnation which were incessantly hurled at them by priests; an age when an inquisitive mind would likely get its owner burned alive on the town square, and people were "sainted" for the glorious "achievement" of living their whole lives without ever having bathed any part of their filthy, stinking, rag-covered bodies except their fingernails. Does the world need more of that? Or perhaps you fancy that rejection of science and returning to faith in "God" (whatever that is) could not produce a re-run? Some fools imagine that science and religion can co-exist. Good luck, should you be among them.

Robert A. Markley  
Phoenix, Ariz.

### Orwellian Warts

I'm content to leave most of the issues between Martin Tyrrell and myself to what we have each said already on those matters in the pages of *Liberty*. But there are a few points raised by Tyrrell in his last contribution (April) where a brief comment will clarify matters.

1. Tyrrell emphasizes that Orwell typed up his diary with a view to interesting a publisher in it. But Tyrrell is mistaken to infer that Orwell wouldn't have edited it further if he had found a publisher. Even in 1940s Britain, publishers would be disinclined to look at handwritten manuscripts. There is a difference between what you show to publishers and what you actually see

continued on page 52

# Reviews

*A Home of Another Kind*, by Kenneth Cmiel. The University of Chicago Press, 1995, 243 pages.

## Child Abuse by the State

Patrick Quinn

Child welfare work consists of one party taking over some or all of the process of rearing children when another party, usually in the nuclear family, has failed in some egregious way. Since the nuclear family is one of the most important components of any civil society, this is extremely important work. Children whose families fail them in some catastrophic way — either through abuse, neglect or abandonment — eventually become adults, and often prove to be formidable social nuisances. And the ability of any society to deal with such children is all the more crucial given that such problems seem to be pretty durable over time. Concern with exceedingly poor child rearing dates at least as far back as ancient Sumeria, and probably farther.

America's approach to child welfare work has undergone a dramatic shift over the past 100 years, but the nature of the work done has remained fundamentally the same. When families are unwilling or unable to raise their children — for whatever reason — the rearing process must be assumed by someone else. What has changed in American child welfare work over the course of the 20th century is who that someone is. In the past, child welfare

work was almost entirely private. Today, the assumption of the rearing process is handled almost entirely by government.

It is time to consider the likelihood that this transition was a tragic mistake.

Does gross ineffectiveness bother you? In 1995, a *Chicago Tribune* report revealed that the Department of Children and Family Services (DCFS), the state child welfare bureaucracy, did not know the whereabouts of more than 20,000 of its wards. Think about that for a moment: *The physical location of roughly half of the children under the direct responsibility of the state was unknown to the state's bureaucrats.*

Does fiscal insanity bother you more? In Illinois, DCFS has been under fire almost constantly since its creation via legislative fiat in 1964. A steady stream of exposés has uncovered blunder after blunder: children sleeping on the floors of DCFS offices, a group of children housed without supervision in a local motel with regular access to adult movies, children actually dying while in the state's care. The state finally gave in to the immense political pressure that comes with such tragic and chronic embarrassments and went on a knee-jerk spending spree, with the help of some changes in state Medicaid laws. In the early 1990s, the DCFS bud-

get soared more than 300 percent. Today, that budget is well over \$1 billion. The clearest result of all of that spending is that children in the system now have a lot more people to "care" for them.

Imagine a troubled child trying to adjust to a new group home. Now, after all that spending, that same child of limited coping abilities is expected to adjust to a new set of "parents" every 8 hours, along with numerous ancillary workers. And since all of those bloated budgets need to be justified, those who work in the system have been turned into paper jockeys. As a therapist co-worker once told me, "I got into this field to try to help children, but 60-70 percent of my job is paperwork."

Or perhaps you are particularly bothered by arbitrary power. Now, imagine combining arbitrary and largely unstoppable power with the pseudosciences of psychiatry and social work. That mix is what exists in much of child welfare work. I have had the utterly enervating experience of witnessing this combination of forces used to dismantle children psychologically and spiritually.

One of the group homes where I worked was set in a quiet residential neighborhood on Chicago's northwest side. One of the boys, Shannon, was a model child, not just in our institution, but among all of the neighborhood children as well. Shannon was utterly reliable. We allowed him free reign in the neighborhood, gave him an allowance, let him join the local YMCA, and even sent him shopping when essentials ran out.

One day, some psychiatric social workers from the state visited the home, a "private" contractor with the state. Their putative function was to act as a kind of meta-authority within the system, looking into special cases, or performing investigations of problems, and so on. They were interested in Shannon because of his unique situation. Altogether, he had nine family members in the custody of the state,

including two younger brothers who lived with him at our home, and his oldest brother, who had just been convicted of murder and sentenced to life in prison in Arizona. Shannon didn't know his oldest brother, but the social workers thought it appropriate to probe his thoughts on the sentencing, and in the process to review his situation to see if any changes were warranted.

For reasons known only to themselves, the workers began suggesting to Shannon that they would separate him

*Shannon became combative with the workers. Not violent, mind you; just angry enough to raise his voice to the complete strangers who were proposing to shatter what was left of his life. In response, they had him summarily committed to a psychiatric hospital.*

from his two younger brothers at the home by placing him elsewhere. Most likely, they were simply under pressure to change his "treatment plan," which is the name given to the state's plan for dealing with individual wards. Treatment plans represent an effort to quantify the services given to wards (e.g., length of stay in the system), as well as to specify the nature of the services rendered (e.g., foster care vs. institutional settings, medication vs. behavior modification). Since treatment plans are tied to state budgets, there is constant pressure to tinker with them, a process that often does not consider a child's best interests. From the vantage point of those actually raising Shannon — me and my co-worker — there was absolutely no reason to move him.

Not surprisingly, Shannon was bothered greatly by the suggestion. As I've said, he was a sweet, good little kid. But every human has a touchy spot, and the thought of separation from his brothers, understandably, was his. Loving and watching over his two little brothers was a responsibility Shannon had understandably (and proudly) bestowed upon himself, given

the condition of his family.

So he became combative with the workers. Not violent, mind you; just angry enough to raise his voice to the complete strangers who were proposing to shatter what was left of his life. In response, they had him summarily committed to a psychiatric hospital. Shannon, the good kid, was no more.

As justification for their move, the social workers engaged in a bit of revisionist history. As it turned out, Shannon had the swimming ability of a rock, and about a week earlier had nearly drowned at the YMCA. He was revived on the pool deck, and was fine after a short observation. The social workers decided to call this a suicide attempt. Suddenly, Shannon was a depressed youth suffering from suicidal ideation. And of course, on the psychiatric ward, he was medicated for the first time in his life. When he began having nightmares (presumably from the drugs, as is so often the case) he was tagged as suffering from a psychotic episode. And, his (perfectly sensible) refusal to cooperate at all at the hospital was taken by the social workers as "evidence" of their having made a keen diagnosis, and as justification for their intervention.

Such is the circular, arbitrary reasoning of psychiatric social work.

### Monolithic Welfare

One of the most troubling aspects of all this is that child welfare work in America is a monolith. The problems I've been describing are systemic and nationwide. Just as public education has withered the private school sector, so too has the government's role in caring for delinquent and dependent children reduced the options for such children. Sure, there are a few largely private organizations that have endured the state's takeover of child welfare work. Boys Town, one of the largest and most famous, accepts only about ten percent of its income from the state. But these institutions are the exception. The rule for children whose families don't function for them is the labyrinth of public and quasi-public homes and agencies that the government has created, including the perennially troubled juvenile court system. Even the "private" homes like I worked at are funded and controlled by the state. One group home that I worked

for called itself a private organization, but it received nearly 80% of its operating income directly from the state and was thoroughly controlled by the state, right down to the minute detail of what the children could have on the tops of their dressers. Even the option for children that is furthest removed from the state — foster homes, private homes where children are placed by the state — is tightly regulated by government bureaucrats.

And the results are what one might expect of government bureaucracy. Child welfare bureaucrats constantly claim that resources are too scarce. But in reality, inefficiencies and politics are squandering resources that desperately need to be utilized. In Illinois in 1991, for example, DCFS admitted that of the 14,000 foster homes it had licensed, only 6,000 were in use at any time.

Given all of this, it is more than worthwhile to take a closer look at the system that was supplanted by government control. Kenneth Cmiel's *A Home of Another Kind* does just that. Cmiel is a historian who examines the history of one child welfare institution, Chapin Hall, over the course of its 124-year life. In the process, he produces an invaluable description of how the influence of government slowly destroys social institutions, and how it comes to take over roles that used to be filled more effectively by the private sector. Along the way, he provides a road map of the last 100 years of child welfare work, showing where our society turned

*In 1995, the Illinois Department of Children and Family Services did not know the whereabouts of about half — more than 20,000 — of its wards.*

away from private efforts and relative freedom in child welfare.

The first and perhaps most important contribution that Cmiel makes is to dispel some popular myths about early American child welfare provisions and about philanthropy in general. America in the 19th century was an incredibly dynamic society, and few places experi-

enced the tumult of this dynamism like Chicago, where the population tripled during the 1850s and again during the 1860s, and continued to grow rapidly thereafter. Displacement and dislocation were understandably commonplace, so there was ample opportunity to help children and families who were in varying stages of distress. That help came in the form of an active welfare "market" that was responsive, diverse, and virtually 100 percent private:

In 1885, there were twenty-three orphan asylums in Chicago; by 1900 there were fifty-eight; and by 1910 a total of eighty-seven. The Chicago Nursery and Half-Orphan Asylum was, as late as 1890, one of only twelve orphanages in the city. By 1905, there were twenty-two. [The] social service directory in 1915 . . . listed not only forty-eight homes for dependent children, but also thirty-seven day nurseries and twelve home-finding societies. The first settlement house, Jane Addams' famous Hull House, opened in 1889. By 1916, there were seventeen such settlements in Chicago (39).

To say that the staggering diversity of private efforts contrasts sharply with today's efforts is an understatement:

Between 1885 and 1910, Swedish, German, Polish, Danish, Bohemian, and Jewish groups each built their own asylums. Methodists opened an orphanage in 1894; Baptists the next year. There were asylums for Danish Lutherans, German Lutherans, German Evangelicals, and for the children of deceased Freemasons. The Chicago Home for Jewish Orphans was founded in 1893 by wealthy Reformed Jews from Central Europe. In 1905, Orthodox Jews from Eastern Europe created the Jewish Orphan Home. Moreover, each of these ethnic and religious groups also built increasingly specialized institutions. Homes for homeless boys, for working boys, for newsboys, for delinquent boys, for working girls, for orphans, for abandoned children, were all deemed necessary (40).

All this changed during the Progressive Era. Enamored with notions of scientific management and rational order and antipathetic to the market process, progressives sought to "fix" child welfare. As they saw it, child welfare suffered precisely in that it was a "market" — dynamic, responsive, self-correcting, and almost com-

pletely uncoordinated and unregulated. "To twentieth-century welfare reformers," Cmiel observes, "the . . . system seemed as chaotic as the cities that spawned it. To [its] founders, however, the institutions seemed logically divided along religious, ethnic, and functional lines" (13).

From the start, progressives' values were reflected in their methods. They didn't seek to compete with what they deemed an inferior service; they sought control. They designed their own parallel system, one that didn't have much to do with actually helping any children, but had plenty to do with telling others how best to do so. "Between 1890 and 1910, progressive welfare

*Just as public education has withered the private school sector, so too has the government's role in caring for delinquent and dependent children reduced the options for such children.*

reform and actual child welfare were not the same thing (38). "Chicago . . . had developed two distinct kinds of welfare institutions — those providing care and those coordinating the system" (82).

It was in this context of rapid social change that Chapin Hall was born. As it struggled to formulate its mission and identity, Chapin Hall underwent nearly constant change in its early period, moving five times in its first five years. Cmiel describes in detail the vagaries of the day-to-day and year-to-year survival of the home, touching on everything from how it handled finances to how children came into its care, from how the home's managers dealt with parents and guardians to how it maintained its public image in a large city with an increasingly crowded welfare market. By itself, this makes for very compelling reading.

Over time, the home's managers increasingly found their efforts and energy diverted from their core mission into dealing with the various "umbrella" agencies and other organi-

zations seeking control over child welfare work. It is these groups who are really the central actors in the book.

Many of the progressive reformers in Chicago — leading business people, philanthropists, and others — were united under the emerging concept of "private power for the public good." They sought to pursue their goals by creating new mechanisms (such as community funds) to finance their efforts, new graduate-level professional schools whose putative purpose was to bring a higher quality of care to children and the destitute, and agencies that worked cooperatively with caregiving entities to improve the delivery of services. The first elements of a child welfare "system" were developing as part of a larger, mostly private welfare services delivery network. "Progressives had attempted to create an urban welfare system, largely but not entirely outside the public sector . . ." (76). During the first half of the twentieth century, there was a constant interplay of authority and autonomy between care-providing organizations such as Chapin Hall, and the private managerial agencies which, as Cmiel points out, "[b]y the 1920s, were becoming far more important than the Cook County Juvenile Court [the state's main child welfare component]" (65).

It is fascinating to speculate as to what might have become of child welfare had this system of give and take among private groups in addressing social problems continued to evolve and grow. But it did not. Private welfare gradually eroded, thanks to the rapidly developing fascination with technical expertise, and, more importantly, the growth of government at all levels.

The clearest influence of the expertise zeitgeist in child welfare work was the increasing role of psychiatry.

After 1957, the shift toward more psychiatric care was especially pronounced . . . The staff was trained to not present themselves as "family," one sign of the new professional ethos. Throughout the case records are reports of Chapin Hall social workers telling children that "they are caseworkers, not mommies." Yet children with little in their lives often clung to caseworkers; the departure of a caseworker could be as traumatic as the change of a foster parent. The whole

system too easily tipped into cruelty. One particularly poignant report tells of a caseworker asking a neglected eight year-old boy how it felt not having a family. As the boy fell apart, descending into rage, the caseworker would not back off, trying to force the boy to answer, reporting that she gradually faced "a pervasive, persistent, snarling, pettish, destructive kind of anger" (138).

The direct influence of government, however, took longer to develop. As Cmiel notes, the public sector in the early twentieth century was notoriously weak. But the vogue of social engineering was spreading fast in the U.S., and progressives were leading the way. In child welfare, experts created bureaucratic institutions to assert the agenda of technical expertise. The new experts "devised policy, did research, trained social workers, and managed the care-providing agencies. Rarely, however, did they deliver any direct services to the needy" (82). At first, the new institutions of this nascent ruling class were mostly private. Even then, the limitations of bureaucracy were apparent. Chapin Hall actually withdrew from one of its relationships with a private funding agency in 1961, "citing the crush of paperwork involved in membership" (149). Care-providing agencies were still largely free, as late as mid-century, to participate or not with the system, or various parts of it, such as it was. This autonomy was an important hedge against the fledgling "expertise" of the psychiatry and social work establishments, but it was a freedom that would disappear entirely in the coming years.

Cmiel seems unaware of the relationship between the growth of state power and the rise of the technical expert. In *The Rise of the Therapeutic State*, Andrew Polksky explains how technocrats' frustration over their lack of power led them to lobby the state for increasing amounts of power in society. Specifically, Polksky describes the alliance between the federal government and university schools of Social Service Administration and Public Policy that churned out armies of disciples of the therapeutic state faith. Cmiel misses this very important connection almost entirely, but he does an excellent job of chronicling the end result — the government takeover and virtual destruc-

tion of the child welfare system.

The most crucial element in this takeover involved a steady transfer of the financing of services from the private sector to government. When progressives first moved into government, Cmiel points out, they created agencies that put less of a regulatory burden on institutions that delivered relief than did private agencies. This made public funding an attractive alternative.

Over time, public money flowed in ever-increasing amounts, especially after the New Deal began. "In 1935, Illinois massively revamped its welfare law, expanding the public presence in dozens of ways" (111). Again, the state bureaucracies were initially very weak compared to the private ones, which had developed their agendas over sev-

cies" (157). The next step in the saga is an object lesson in the tendency of the state to "ratchet up" its control:

With one dramatic move, however, it was all different. In the summer of 1969, the Department of Children and Family Services managed to collect all Cook County child-placing under its own auspices. In part this was done in response to further expansion of federal social security coverage. [The] historic "children's division transfer" of 1969 made the state bureau the sole child-placing agency for the whole of Chicago and suburbs. In one day, DCFS's foster care caseload doubled, and the number of Cook County children receiving some sort of service jumped from 12,000 to 20,000. Over two hundred employees moved from the county to the state payroll (157).

The destruction of Chapin Hall as a private social institution was underway. In the early twentieth century, Chapin Hall's attentions were oriented towards the community it served, towards the parents whose children it cared for, and towards other agencies that provided standards of progress and quality. Once the Hall became dependent on the state, its focus moved towards satisfying the wants of its new benefactor. And once all of that money was available, the sole, driving goal was to make sure it continued to come in. The obsession even caused the home's managers — who were, by the second half of the twentieth century, mostly products of the progressive mission — to cease thinking of themselves as being of service to those in need. "Why spend energy fighting quarrelsome parents for back payments when DCFS supplied so much more money . . ." (159).

Keeping in the good graces of the state proved a difficult task indeed. Not surprisingly, DCFS was instantly incompetent at the new responsibilities it had arrogated to itself. "[By 1971] DCFS had been wracked by scandal, charged with warehousing children in out-of-state institutions and being unresponsive to abused children" (167). And the political winds changed direction often. One of Chapin Hall's social workers "spoke of mayhem inside the state agency":

In the State's search for economy and quick change," [the social worker] argued, "it seemed they threw out the

*In the State's search for economy and quick change, they were transferring cases, decentralizing, then centralizing, then decentralizing again, changing workers with frightening speed, changing offices and phone numbers, and generally being incredibly chaotic.*

eral decades, and had carefully insinuated those agendas, wherever possible, into the care-providing agencies. Thus, "Chapin Hall [and others] became rather serenely addicted to public money." (112)

The Great Society continued this trend, with one important difference. As financing became increasingly socialized, it became increasingly politicized, and the only way for the state to arbitrate the mad dash for exorbitant amounts of public money was to take control of the system. "One reason the Illinois state legislature created the Department of Children and Family Services in 1964 was to administer the social security funds now available" (153). At first, this increased role for the state developed gradually. "As late as 1969, just under 50 percent of Chapin Hall's residents continued to come from either parents or private agen-

baby with the bath water. This was done by transferring cases, decentralizing, then centralizing, then decentralizing again, changing workers with frightening speed, changing offices and phone numbers, and generally being incredibly chaotic" (167-8).

Thus, the progressives got exactly what they wanted. In place of a private system that they deemed uncoordinated and chaotic, and thus unacceptable, they erected a system that was "coordinated" and chaotic, and entrenched through the highest levels of government in American society. The old system was smashed almost overnight. When DCFS whimsically decided that large institutions were no longer good for children, it unilaterally pulled funding for such homes. "Angel Guardian, which during the Depression housed up to 1,200 children at times, and even in the late 1960s had a capacity of 400, closed its doors in 1974" (167). Ten years later, Chapin Hall suffered the same fate, after over 120 years of caring for children.

In place of such giants of service is a collection of cookie-cutter homes and agencies, most less than twenty-five years old, that all say and do just the right things to get state funding.

Cmiel concludes with an epilogue describing the cowardly political she-

*Whatever the problems of private child welfare, there is no excuse for having replaced it so entirely with today's misanthropic government leviathan.*

nanigans that have come to characterize much of child welfare work:

By the 1990s, the crisis in child welfare was national. . . . All over the country there was talk of overwhelmed welfare bureaucracies unable to handle the flood of children; of the gross mismatch between services delivered and real needs; of law-suits against state agencies. To take but one of dozens of examples, in the summer of 1991 then-Governor Bill Clinton worked fervently to settle a suit charging that Arkansas child welfare agencies were not doing their job,

a suit filed after several children under state guardianship were either severely beaten or died. Clinton managed to settle the suit without it going to trial, something he wanted to do to avoid bad publicity before he began his run for the Presidency (189).

It's hard to imagine a more appropriate end to the century for child welfare — children being sold out by a man who would go on to take the highest office of the very system that allowed them to be sold out in the first place.

This is a national disgrace. But there is hope. The private system was not perfect. Before the government takeover of welfare, the managers of Chapin Hall and other homes and agencies dealt with serious threats to the care they offered, such as epidemics and overcrowding. But so long as the system was free from centralized political control, it was moving aggressively

towards solving those problems in efficient and creative ways. The bewildering diversity of its efforts offers evidence of what private efforts in a free society can achieve.

Whatever the problems of private child welfare, there is no excuse for having replaced it so entirely with today's misanthropic government leviathan. Anyone concerned with child welfare work who reads *A Home of Another Kind* will wonder what might have been if freedom and diversity of care, funding and oversight had survived. And it should leave us thinking very hard about how we can recover at least some of that freedom, and the fruits that it provides, in caring for children whose families fail them.

May they one day receive the justice they deserve, rather than the wicked "mercy" under which they currently suffer. May they one day receive freedom. □

*The New Military Humanism: Lessons from Kosovo, by Noam Chomsky. Common Courage Press, 1999, 208 pages.*

# Killing for Peace

Stefan B. Herpel

The distinguished MIT linguistic theorist, Noam Chomsky, has pursued a second career as a relentless critic of American foreign policy from the Left. One of Chomsky's main projects is to deconstruct government propaganda that has been used to promote American military adventures abroad to the public. A large part of his analysis attempts to show that the official reasons for various military actions are pretextual, and that the U.S. government's reliance on these reasons is characterized by gross inconsistency and hypocrisy. In his 1992 book *Deterring Democracy*, for example, Chomsky con-

tends that one of the West's stated reasons for waging the Gulf War — to punish aggression — was simply a cover for its pursuit of other interests. And Saddam's aggression against Kuwait, he suggested there, was not materially different than other recent cases of aggression by one nation against another that "the West has readily tolerated, or supported, or perpetrated directly." (181).

Analyses of this kind, even when they are compelling, have always seemed to me to be largely beside the point as a basis for assessing the morality or wisdom of particular military engagements. The fact that the U.S. government may have lied to the public about its true reasons for entering, say, World War II would not demonstrate

that our involvement in that war was morally wrong. The same is true of the fact that the U.S. opposed Japanese and German aggression in World War II, but had not opposed aggression in other parts of the world, or had itself previously engaged in unjustified aggressions of its own. Logically speaking, whatever moral calculus one uses to evaluate a particular war need not depend on whether the government's public justification for its actions is genuine, or whether the principle invoked in that justification has been consistently applied. In the case of the Gulf War, for example, one might well conclude that the propaganda

*That the U.S. government may have lied to the public about its true reasons for entering, say, World War II would not demonstrate that our involvement in that war was morally wrong.*

tion of this war was morally justified insofar as it countered aggression, quite independent of whether the U.S. has regularly applied (or itself observed) the non-aggression principle in its foreign policy, or whether its real interest in fighting the Gulf War was to reduce the ability of Hussein to exercise *de jure* or *de facto* control over a large portion of the world's oil reserves in the Middle East.

The limitations of arguments of the kind frequently made by Chomsky became especially conspicuous in connection with the NATO bombing and missile campaign in Serbia and its Kosovo province. For unlike many military campaigns of the last four decades, NATO's war in Kosovo had a significant amount of support from the Left on humanitarian grounds. And those on the Left who supported the NATO intervention were perfectly willing to agree with others who pointed out (correctly) that the U.S. has not involved itself in other situations calling for humanitarian intervention, or that it has been guilty itself of unjustified military aggression against other

nations in recent history. They took the perfectly logical position that neither of these considerations precluded support for this particular military campaign.

Presumably to meet these arguments from the Left, Chomsky takes a somewhat different tack than usual in his critique of the NATO military campaign that he develops in *The New Military Humanism*. For example, Chomsky acknowledges early in the book that, as a general matter, it "might be appropriate" to "support" American military "actions [that were] undertaken on cynical grounds, or worse," if those actions could "plausibly" produce "beneficial consequences" (15). And he offers World War II as the "most spectacular example" of a military action whose stated humanitarian motives were pretextual, but which had the "benign" consequence of defeating Nazi Germany (80).

Chomsky's concession that "consequences" may be more important than "motive" or "intent," which runs against the grain of a lot of his foreign policy writing, informs much of the analysis in *The New Military Humanism*. To be sure, Chomsky makes his familiar argument that the stated reasons for the NATO intervention — the "humanitarian" desire to protect the Albanian Kosovars from "ethnic cleansing" — were pretextual. But the book's real emphasis is on the "consequences" of the bombing, and it is here where Chomsky is at his most compelling in his condemnation of NATO policy. He argues with considerable force that, "[NATO's] resort to bombing, whatever its intention may have been, 'greatly accelerated [the] slaughter and dispossession' of the Albanian Kosovars." (81).

Chomsky is almost surely correct in asserting that the NATO bombing "greatly accelerated" the pace of the violence and expulsions, at least relative to what would have occurred during the 78-day period of NATO bombing (March 24, 1999 to June 10, 1999) had there been no bombing. Serbia had few options against NATO's superior firepower, and the war gave it both a reason and an opportunity to, at the very least, accelerate the rate (and perhaps increase the

absolute levels) of expulsions and violence. These expulsions and acts of violence are, it must be said, trivialized by the Orwellian term "ethnic cleansing" that the West has curiously borrowed from the Serb lexicon.

Chomsky goes on to suggest that NATO military planners expected the acceleration of violence against the Kosovars that occurred during the two-and-a-half month war, but insofar as he means that they expected the full extent of this increase in violence, the evidence he presents is rather thin. Chomsky's principal support for that belief is the statement made by NATO's then Supreme Allied Commander in Europe, General Wesley Clark, that the Serb reaction was "entirely predictable." Although Chomsky invokes Clark's use of the word "predictable" throughout his book to imply that NATO military planners thought all of the violence that followed was likely (see, e.g., page 51), this is really a distortion of General Clark's observations. General Clark's comments were made two days after the onset of bombing and referred to Serb activities undertaken in that initial period of bombing. They cannot necessarily be taken to mean that all or even most of the killings, expulsions, and property destruction which ensued in the next two and a half months were "entirely predictable," or even that NATO military planners expected the war to last that long.

But though Chomsky has used General Clark's statements out of context to support his point, it does seem likely that our intelligence services predicted at least the essential character, even if not the full scale, of the Serb response. In an article written a day before the onset of the NATO air campaign, Dr. Jonathan Eyal, a distinguished military analyst from the U.K., predicted that NATO bombing would be met with "a massive ground offense . . . against the Albanians, sustained by the estimated 36,000 Yugoslav troops already stationed there." Eyal added, presciently, that "[t]he result will be a huge wave of refugees streaming out of Kosovo": "The West is justifying the operation as necessary in order to avoid a humanitarian disaster. In fact, the biggest humanitarian disaster will unfold when the air attacks start."

Dr. Eyal is a perceptive and intelligent analyst, and while he is the only one I know of who publicly forecast Milosevic's response to bombing, one has to believe that our intelligence services made much the same assessment of the likely Serb response to NATO bombing. Dr. Eyal himself later confirmed that that was the case, when he advised me that "trying to work out what Milosevic might do in case of an air attack by NATO was actually quite easy. It was also what the intelligence chiefs in both the U.S. and Britain told the politicians in the run-up to the air offensive." In a similar vein, the *London Times* reported in a March 28, 1999 article that, on March 15, General Shelton, the Chairman of the Joint Chiefs of Staff, told President Clinton that, in the *Times'* words, "[t]here was a danger . . . that far from helping to contain the savagery of the Serbs in Kosovo . . . air strikes might provoke Serb soldiers into greater acts of butchery."

Chomsky's basic argument, then, is that because the bombing resulted in a fairly predictable escalation of Serbian violence against and massive expulsions of ethnic Albanian Kosovars over

*NATO held "the vaguely racist belief that the 'little people' in the Balkans were no match for NATO air power: drop a few bombs on these 'natives' in Yugoslavia and they would sue for peace."*

the levels that existed before the bombing began, it deserves to be condemned. Supporters of the NATO action would counter with the argument that, well prior to the commencement of the air campaign, Milosevic planned similar absolute levels of ethnic violence and ultimately would have carried out those plans, bombing or no bombing. Under this view, NATO bombing merely accelerated the timing and the rate of ethnic violence that Milosevic had independently planned to effect over a period of a year or even several years. As Dr. Eyal put it in a June 7, 1999 article in *Irish*

*Times*, "Ethnic cleansing could not have been bigger if NATO did not intervene; NATO's involvement merely meant that this disaster [to the Albanian Kosovars] happened much more quickly . . ." than it otherwise would have. Thus, the best that those who support the NATO intervention can say about it is that it facilitated the repatriation of those who would have ultimately become refugees anyway, and that it may have deterred other leaders from emulating Milosevic's policies of ethnic violence, property destruction, and expulsion.

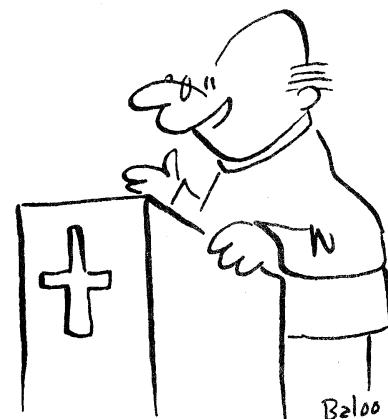
In the final analysis, however, such a *post hoc* justification for bombing seems woefully inadequate, which is undoubtedly why the President has chosen a different spin. In his State of the Union speech this past January, President Clinton took credit for having "stopped the ethnic cleansing in Kosovo [and] enabling a million people to return to their homes." The real truth of the matter is that, while NATO policy did enable the expelled Kosovars to be repatriated, NATO's bombing campaign triggered their expulsion in the first place, and NATO actually did little or nothing to stop the expulsions (and other barbarities) as they were occurring. Dr. Eyal is far more honest than the President in his characterization: while he does not blame NATO for the barbarities perpetrated by Milosevic, he does acknowledge in his June 16, 1999 *Irish Times* article that ". . . [i]t is a fact that air strikes unleashed the biggest humanitarian disaster Europe has known since 1945," which included the flight or forced exodus of more than a million ethnic Albanian Kosovars. But in light of that seemingly undeniable fact, how can one say in retrospect that the bombing policy was a success? In his May 31, 1999 *Newsweek* article, "The New World Disorder," Henry Kissinger may not have been exaggerating when he observed the NATO strategy "produced more refugees and casualties than any [other] conceivable alternative mix of force and diplomacy would have."

Chomsky is thus correct to suggest that, if faced with a choice between the kind of military action NATO undertook in Kosovo and doing nothing at all, the West would have been better to

do nothing at all (other than to make genuine attempts to promote a diplomatic solution). At the same time, he does not at all consider a third possible course of action, which would have been to undertake a qualitatively and quantitatively different military intervention. Some contend that NATO should have been prepared to use air power against Serbia proper as soon as Milosevic began responding as he did, and there should have been contingency plans to introduce ground troops. NATO, some maintain, could

*"NATO's resort to bombing, whatever its intention may have been, 'greatly accelerated the slaughter and dispossession' of the Albanian Kosovars."*

have greatly limited Milosevic's ability to respond in the way he did by immediately escalating the bombing of Serbia to include targets that were vital to civilian life and to the military, and by introducing ground forces, if necessary, to do battle with Serb forces. The bombing of targets in Serbia did not begin until several weeks after the start of the air offensive. Indeed, in an interview in the September 1999 issue of *Air Force Magazine*, Lt. General Michael Short, who directed the air campaign, rued that, because of NATO's early self-imposed limitations on the bombing of targets within Serbia, "10 or 12 days into the war, . . . [Serbians] were



"You can't take it with you, so why not wire it ahead?"

holding rock concerts in downtown Belgrade. . . ."

The quick introduction of ground troops to do battle with the military and paramilitary forces that were actually perpetrating the barbarities against the Albanian Kosovars, as a supplement to the bombing campaign, presumably would have greatly limited the scale of Serb barbarities against the Kosovars. As for those who say air and missile power should have been used to strike targets vital to civilian life in Serbia proper immediately after Milosevic began his attacks on innocent Albanian citizens, that method of "asymmetric" warfare has gained more acceptance today as a means of waging war. But the use of such a method in a conflict that is said to serve humanitarian objectives seems inherently self-contradictory, since the civilians who are made to die or suffer are not those who are perpetrating the barbarities. In addition, one could not be certain in advance what degree of bombing of this kind would be necessary — and thus how much Serbian infrastructure vital to civilian life would have to be destroyed — in order to force Milosevic to capitulate. The stated humanitarian aims of the NATO action made too much "asymmetric" warfare especially problematic. As Henry Kissinger, the devoted practitioner of realpolitik, skeptically observed in his *Newsweek* article, "[W]hat kind of humanism expresses its reluctance to suffer military casualties by devastating the civilian economy of its adversary for decades to come?"

Yet whatever the force of the argument that there should have been plans to introduce ground forces to counter Milosevic's anticipated response, and that those plans should have been carried out, the fact is that Clinton and the other NATO leaders were unwilling at the outset to use the ground force option for domestic political reasons, and even ruled it out publicly. Indeed, they adhered to that stance for weeks even as they watched Milosevic carry out his barbarities, though there is some evidence that NATO may have finally been ready to approve a ground force option in June, only because the "credibility" of NATO was by then perceived to be in

serious jeopardy.

If NATO was reluctant to use ground forces even as they watched Milosevic kill thousands of ethnic Albanians and saw over a million refugees leave Kosovo, it is clear that it would under no circumstances have committed in advance to using ground forces to prevent anticipated future ethnic violence and expulsions. In other words, for better or for worse, the plight of the Albanians was simply not deemed worthy of a commitment that could result in significant casualties on the NATO side. And even if NATO had been able to foresee the full extent of the humanitarian disaster that would be unleashed by an air and missile campaign, it almost surely would not have opted instead for introduction of ground forces.

### **Humanitarian Objectives**

Chomsky contends that the decision to launch the air and missile campaign is one that should be condemned even without the benefit of hindsight.

*Chomsky's basic argument is that because the bombing resulted in a fairly predictable escalation of Serbian violence against Albanian Kosovars over the levels that existed before the bombing began, it deserves to be condemned.*

and on the basis of the information that was then available to NATO leaders. His reasoning is based almost entirely on the dubious assumption that NATO leaders were acting with a complete absence of good faith. (Indeed, Chomsky comes very close to accusing NATO of embarking on a policy that was intended to escalate ethnic violence.) This seems to me to be the weakest argument in his book. In making it, he overlooks entirely a critical miscalculation which seems to me to be central to an understanding of the ill-fated decision to bomb. That miscalculation may evince negligence, or even recklessness, but it does not support Chomsky's accusation that

NATO's policy was completely bereft of humanitarian motivations.

In asserting the absence of any humanitarian objectives in the formulation of NATO policy, Chomsky conveniently ignores the fact of NATO's belief (and that of many other observers in the West) that Milosevic had independent plans to kill and drive massive numbers of Albanians from Kosovo, and to destroy their villages and homes, and that he would have eventually sought to effect those plans quite apart from whether NATO instituted bombing. Chomsky acknowledges that Milosevic had plans to engage in ethnic violence and purges, but assumes that they were strictly contingent in nature, and were only to be implemented in the event of NATO bombing (35-36). This assumption is highly dubious, however. The Bosnian experience gave the West ample reason to believe that the ethnic conflict in Kosovo would culminate in large-scale ethnic violence by the Serbs against the Albanian Kosovars. It demonstrated all too clearly how Milosevic had fomented ethnic conflict for political purposes, and then waged that conflict by means of widespread atrocities against and uprooting of civilian populations. Milosevic had stripped Kosovo of its autonomy in 1989, and the Kosovars had initially resisted peacefully. But by the late 1990's, the KLA had emerged as a significant force, and fighting between it and Serbian military and police forces had become serious. The fighting claimed some 1,500 Kosovar lives, and led to the flight or expulsion of several hundred thousand people (Chomsky's estimates of 200,000 to 300,000 are lower than some) from their homes. Given Milosevic's track record, and the fact that Serbia was far stronger militarily than the KLA, it was not unreasonable to believe that there would be a repetition of the Bosnian atrocities in Kosovo against innocent civilians as the conflict escalated, unless something were done to prevent it. Finally, the fact that Milosevic engaged in these activities as a response to NATO bombing is itself evidence that he would have engaged in similar activities in response to intensified military action by the KLA.

Chomsky also attempts to disprove the existence of any humanitarian

motives by suggesting that the U.S. has tolerated or promoted aggression abroad, most notably in Turkey, where the U.S., he says, is assisting the Turkish government in a form of "ethnic cleansing" against the Kurds. Chomsky more or less asserts this as fact, and relies on several footnoted sources to support this accusation. Chomsky is correct in his view that the Turkish conflict with the Kurds has received an embarrassingly small amount of discussion in the American media, and that it deserves much greater scrutiny. But his conclusory assertions about that ethnic conflict do not enable a neutral reader to make any meaningful assessment of the respective culpability of the Turks, the U.S. and the major Kurdish opposition group, the PKK (Kurdistan Workers Party) in the conflict. (Even commentators and scholars sympathetic to the Kurdish cause, such as Michael Gunter, Gerard Chaliand, and Chris Kutschera have acknowledged the violence of the PKK, some of which has been directed not only against members of the Turkish military, but also against those Kurds whom they regard as "collaborators" with the Turkish government — and against their families.) Moreover, as suggested above, even if U.S. policy in Turkey has pro-

Milosevic's "ethnic cleansing" (36), thereby implying that Clark was suggesting that the U.S. and its allies had other reasons for initiating the bombing. But presumably what Clark meant was that the original NATO plans did not include measures (such as introducing ground troops) that were specifically designed to stop whatever ethnic violence and purges Milosevic might engage in as a response to the bombing campaign.

### Gross Miscalculation

A far more plausible view than the one advanced by Chomsky regarding the motives of NATO leaders is that they genuinely did want to avert significant ethnic violence and purges there, and hoped to accomplish that objective by means of an arrangement whereby international peacekeeping troops would be introduced into Kosovo. For whatever reason, they decided at some point before March 24, 1999 (and perhaps long before then) that they would use air strikes to bring about their desired resolution, as opposed to continuing to negotiate and applying other pressure in an attempt to bring this about. In so doing, NATO diplomats and leaders made a fundamental miscalculation regarding the duration of bombing that would be necessary to bring about the resolution they desired. They assumed incorrectly that, within days of the onset of bombing, Milosevic would quickly capitulate and agree to withdraw his forces from Kosovo and allow the introduction of peacekeeping troops. As Jonathan Eyal put it in an April 10, 1999 piece for the *Irish Times*, NATO held "the vaguely racist belief that the 'little people' in the Balkans were no match for NATO air power: drop a few bombs on these 'natives' in Yugoslavia and they would sue for peace." If President Clinton and Prime Minister Blair expected only a largely symbolic bombing campaign of a few days duration, then this would explain why they did not anticipate the scale of the "humanitarian disaster" that bombing itself would trigger, even though American and British intelligence predicted at least the basic nature of Milosevic's response to the bombing.

Finally, Chomsky quotes General Clark as saying that the NATO operation was never intended to "block"

The view that NATO leaders and diplomats made this gross miscalcula-

tion is widely shared. In his comprehensive draft study entitled "The Lessons and Non-Lessons of the Air and Missile Campaign in Kosovo,"\* Professor Anthony Cordesman suggests that the bombing campaign "began under the assumption that a short campaign using limited numbers of cruise missiles and air strikes could rapidly force Serbia to concede." Dr. Eyal likewise concluded that Prime Minister Blair and President Clinton both assumed the Serbians would quickly capitulate. And, as reported in

---

*The plight of the Albanians was simply not deemed worthy of a commitment that could result in significant casualties on the NATO side.*

---

the October 1999 edition of *Air Force Magazine*, at a symposium following the war, a panel of experts that included General John P. Jumper, commander of the U.S. Air Force in Europe, "generally agreed that the Western governments calculated that Milosevic would fold after a few days of relatively light bombing attacks."

What the intelligence of the NATO countries had to say about the likely duration of the bombing campaign is unclear at this point; perhaps Professor Cordesman's study, which is ongoing and subject to updating, will eventually address this point. Cordesman does say, however, that General Clark reportedly assessed the probability that the war would end within three days to be 40 percent, which suggests that he was at least somewhat less optimistic than President Clinton about the likelihood of a short war.

The apparent belief of NATO leaders and diplomats that the war would be short was a colossal and, one would have to say, arrogant miscalculation. For reasons of self-preservation alone, there was ample reason to believe that Milosevic would not capitulate quickly. But, as Henry Kissinger noted

---

*As Henry Kissinger, the devoted practitioner of *realpolitik*, observed "What kind of humanism expresses its reluctance to suffer military casualties by devastating the civilian economy of its adversary for decades to come?"*

---

moted or tolerated unjustified ethnic violence in that country, its policy in Turkey would fail to prove that NATO leaders were not guided by humanitarian concerns in formulating policy regarding Kosovo, though it would demonstrate that NATO adheres to an egregious double standard.

Finally, Chomsky quotes General Clark as saying that the NATO operation was never intended to "block"

\*See the website for the Center for Strategic and International Studies at [www.csis.org](http://www.csis.org) for this draft study.

in his May 31 *Newsweek* article, "Before the start of the bombing, it was conventional wisdom in Washington that Serbia's historic attachment to Kosovo was exaggerated and that Slobodan Milosevic was looking for a pretext to get rid of the incubus it represented — which a few days of bombing was supposed to supply." Compounding that miscalculation by NATO leaders was their inexplicable failure to develop back-up plans to deal with the possibility that Milosevic would not quickly capitulate, and that his response would unleash the very humanitarian catastrophe the bombing was supposed to avert. Remarks made by President

assumptions."\*

The enormous miscalculation about the duration of bombing, and the failure to draw up contingency plans as a hedge against such a miscalculation, put the "coercive diplomacy" used at Rambouillet in an even worse light. Chomsky's close textual analysis of the Rambouillet Agreement (which should more accurately be called the Rambouillet "Proposal" because it was never signed by Serbia) reveals that it contained conditions which were almost certain to be rejected by Milosevic, or for that matter, by any sovereign government. These included one condition that gave NATO personnel and equipment the right to "free and unrestricted passage and unimpeded access throughout the FRY [Federal Republic of Yugoslavia]," including the right to "billet" or quarter troops in "any areas or facilities." The second, which called for the convening of an international meeting within three years "to determine a mechanism for a final settlement for Kosovo," was construed by some to mean that there would ultimately be a referendum on independence for Kosovo. So construed, and given the ethnic makeup of Kosovo, agreeing to this condition would be tantamount to agreeing to a secession of Kosovo from Serbia.

Chomsky points out that, in the Peace Accord signed on June 3 to end the bombing by NATO, the two most problematic conditions were dropped, which leaves open the possibility that they may have been included in the first place to actually prevent a diplomatic settlement, and thereby to justify the bombing option to the public in the U.S. and other NATO countries. It is, of course, possible that NATO was simply giving itself negotiating room in making these two demands, and would have dropped them before the onset of hostilities if Milosevic had shown a willingness to agree to other terms of the proposal. But Chomsky insists that this proposal was presented as a non-negotiable "take-it-or-get-bombed" ultimatum (106), and in this

view he is supported by mainstream analysts, including Henry Kissinger, who declared in his *Newsweek* article, "The New World Disorder," that "Rambouillet was not a negotiation — as is often claimed — but an ultimatum."

In speculating about the motives for the NATO intervention, Chomsky is far closer to the mark when he suggests that the need to maintain American and NATO "credibility" played a role, though the miscalculation regarding Milosevic's response made this factor more important after the bombing began, rather than before. Although Kissinger opposed the commencement of bombing, as he wrote in *Newsweek*, "Now that the credibility of the Atlantic Alliance has been staked, we must persist — with ground troops if necessary — until Serb military forces leave Kosovo and the refugees are allowed to return." Once the bombing started and did not quickly lead to capitulation by Milosevic, but instead led to an acceleration of the kinds of ethnic violence and purges the bombing was supposed to prevent, Clinton and other NATO allies almost surely felt that the need to maintain "credibility" required a continuation of the bombing until they could claim "victory," even if it meant that many more ethnic Albanians would be killed or expelled, many more villages would be destroyed, and many more Serb civilians would have to be sacrificed on the altar of NATO omnipotence and the desire of its political leaders to avoid casualties to their own forces. "Victory," such as it were, would only mean that Milosevic would withdraw his forces from Kosovo, and that all of the Albanian Kosovars whose expulsion was triggered by the bombing would be permitted to return home to their destroyed homes and villages.

### Absolving Clinton

Of course, the motives of political leaders in undertaking a military engagement abroad are rarely reducible to a single factor. It is therefore surprising that, in speculating about various other motives for initiating the bombing campaign, Chomsky overlooks the possibility that President Clinton's own political interests may have played some role in his decision-

*Chomsky contends that the decision to launch the campaign is one that should be condemned even without the benefit of hindsight, based almost entirely on his dubious assumption that NATO leaders were acting with a complete absence of good faith.*

Clinton and his National Security Advisor to the Italian Prime Minister are telling. As reported by *The New York Times* on April 18, 1999, at a meeting in Washington with President Clinton on March 5, Italy's prime minister, Massimo D'Alema, asked what the plan was if NATO air strikes should fail to subdue Milosevic and "300,000 to 400,000 refugees" entered Albania and even Italy. According to the *Times*, President Clinton "looked to [National Security Advisor] Mr. Berger for guidance." Berger's facile response that "NATO will 'keep bombing'" suggests strongly that he and the President had no real plans to deal with this contingency. In the same vein, Retired Royal Air Force Marshall R.A. Mason, said, with some understatement, that "the spectacle of [President Clinton] one day threatening to destroy the Yugoslav military, but asking for triple reinforcements over just a couple of weeks . . . suggests there were question marks to be raised over initial planning

\*Quoted in James A. Kitfield, "Another Look at the Air War That Was," *Air Force Magazine*, October 1999.

making. First, significant segments of the public on both ends of the political spectrum believed that Milosevic was going to embark on a policy of ethnic violence and purges in Kosovo like those he had promoted in Bosnia, and that something had to be done to prevent a replay of that awful scenario. Second, President Clinton appears to have been well aware that limited military strikes abroad often are met with broad public support (especially if they involve no loss of American life), and he has used his enormous powers as Commander-in-Chief to launch more missile and air strikes than any president since Richard Nixon. His military strike against the Sudanese pharmaceutical plant in August 1998 (which the evidence strongly suggests was unjustified), and at least the timing of his Iraqi strikes in December seemed to many to have been motivated at least in part by domestic political considerations. In deciding to engage in what he thought would be "limited" bombing attacks in Kosovo, President Clinton may, to some extent, have been continuing military policies that have proven to be useful to him politically. Moreover, perhaps illustrating the paradox of presidential strength in weakness, Clinton's own brush with impeachment

*Chomsky is correct to suggest that, if faced with a choice between the kind of military action NATO undertook in Kosovo and doing nothing at all, the West would have been better to do nothing at all.*

ment may have impelled him to pursue bombing in Kosovo in order to demonstrate to the world that he had not been weakened by the impeachment drive.

Finally, Chomsky examines the broader implications of the Kosovo intervention, and concludes that the "new military humanism" has the potential for grave mischief. He suggests that the Kosovo intervention has intensified fears in other parts of the world that the U.S. has become what foreign affairs analyst Samuel

Huntington calls a "rogue superpower." Ironically, Chomsky's old nemesis Henry Kissinger expresses similar concerns in "The New World Disorder" when he contends that "a country that thinks of itself as acting in the name of universal values is seen by too many others as acting arbitrarily, or inexplicably, or arrogantly." Indeed, Kissinger goes so far as to say that "almost all nations of the world" will have a "visceral reaction . . . against the new NATO doctrine of humanitarian intervention." In China and Russia, Kissinger asserts, political leaders will "ascribe our motives not to altruism but to a hidden agenda for domination," which is more or less what Chomsky ascribes our motives to in this book. With that in mind, what will be our response to future calls for humanitarian interventions, especially since, as Kissinger suggests in another *Newsweek* article (April 5, 1999), we have not intervened "in East Africa, Sri Lanka, Kurdistan, Kashmir and Afghanistan — to name just a few of the places where infinitely more casualties have been incurred than in Kosovo . . . ."

Chomsky also contends that "there is no serious doubt that the NATO bombings further undermine what remains of the fragile structure of international law" (150). Kissinger, too, made a similar criticism when he said in testimony before Congress prior to the bombing that "the introduction of American ground forces and of NATO military forces . . . on the territory of a sovereign country for the purpose of detaching a province . . ." is, among other things, "an extraordinary assertion of international law." Further, in "The New World Disorder," he criticized the use of "coercive diplomacy" at Rambouillet as an "astounding departure for an administration that had entered office proclaiming its devotion to the U.N. Charter and multilateral procedures." To be sure, Kissinger's invocation of international law is rather disingenuous, since, as National Security Advisor and Secretary of State, he was hardly fastidious about its observance in the implementation of U.S. foreign policy. As for his ostensible opposition on grounds of principle to ultimata of the kind presented at Rambouillet, the

U.S. has used such ultimata before as a prelude to military interventions, most recently in the Gulf War, and Kissinger's book, *Diplomacy*, contains no objections to its use there. Notwithstanding Kissinger's own inconsistencies, the substance of what he and Chomsky are saying now about the undermining of international law in this context has considerable force.

The curious parallels between Chomsky and Kissinger on the "new military humanism" should not be overdrawn, however. Kissinger is willing to use force in many instances to defend what Chomsky would regard as "crass" (13) American interests, while Chomsky's advocacy of the Hippocratic Principle — "First, do no harm" (156) — would, in practice, require a pacifist military policy. To Kissinger, the maintenance of "credibility" is a legitimate and important objective of realpolitik, and it facilitates a more stable world order. (Indeed, Kissinger's early opposition to the NATO policy of forcing Milosevic to agree to the introduction of peacekeeping troops in Kosovo was in part the product of his unwillingness to risk NATO credibility for that cause.) Chomsky, on the other hand, likens U.S. actions abroad taken for the purpose of maintaining its "credibility" to those of the Mafia don who punishes in a very public way a storekeeper who is failing to pay extortion money (135-6).

Chomsky's didactic and rather leaden rhetorical style detracts from this book and has the unfortunate effect of making some of his ideas seem more radical than they truly are. The late philosopher and sociologist Ernest Gellner, who was a great admirer of Chomsky's linguistic insights, once suggested that Chomsky's "denunciations of the sins of the West seem a totally unreasoned populist moralism," and *The New Military Humanism* occasionally descends to that level, especially in its discussion of the West's "motives" for commencing the air war. Even with these shortcomings, however, this book offers a much-needed antidote to the facile analyses of the war that dominated media coverage in this country, and it makes a genuine contribution to debate about the war in Kosovo and its wider implications for U.S. foreign policy. □

*A Necessary Evil: A History of American Distrust of Government*,  
by Garry Wills. Simon and Schuster, 1999, 320 pages.

---

# Extremism in Defense of the State

---

Matthew Brown

---

The Clinton years seem a good time to explore popular distrust of government and its leaders. During this time of soaring wealth and general satisfaction with the status quo, many Americans still agree with the old adage "that government is best which governs least." After all, isn't this the traditional belief we inherited from our Founders?

Not so according to Garry Wills, who makes the case that Americans are the victims of their own foolish historical ignorance in *A Necessary Evil: A History of American Distrust of Government*. Wills argues that many of the quaint historical anecdotes we have been brought up to believe about American history are nothing more than myths that prevent us from seeing the true "blessings of government." We use these historical myths, he contends, to justify our quest for smaller government in contemporary times. If we had a better understanding of American history, Wills believes we would realize how misguided this quest really is. In order to understand just how blessed we are by our expansive state, we have to peel away these myths.

He begins his debunking with an overview of the American Revolution. Apparently, everything we were taught in school about our gun-toting

ancestors going off to join the militia and fight the Redcoats is wrong. In fact, according to Wills, just 14 percent of our Revolutionary forbears even owned guns and the unreliable things were of little use (53 percent were broken or unusable). Wills further indicts early American militias by pointing out that they were used by local governments to imprison loyalists and keep close watch on slaves in southern states. "There is a delicious irony in this. Modern defenders of the militias value them as a force that can defend the people from authority, but the Revolutionary militias were put in the position of defending the war authority against dissidents." Thus Wills believes we should abandon our contemporary idealization of the Minutemen and the militia as defenders of freedom.

The fundamental flaw of Wills' argument is already evident in this early chapter. Even if we grant that Wills is factually accurate, his conclusion that American distrust of government is misplaced simply doesn't follow. If even this early form of government force, the militia — as limited as it was — could be used to deny rights to political dissenters and enforce the enslavement of others, what evils might we expect from the stronger, more expansive form of government that developed over the following two hundred years?

The fact that American history is marred by numerous unjust episodes that we have whitewashed in our popular mythology does not imply that we should abandon our distrust of government. On the contrary, it suggests that we should be even more wary of political power and the mischief it can lead to.

On the issue of term limits, Wills contends, we are once again misguided by our faulty understanding of history and our Founders' intentions. Citing the Massachusetts Declaration of Rights "which stated that the people had the 'right' to institute term limits but failed to actually ever codify them into law," Wills concludes, "After saying that they have a right . . . the Massachusetts framers nowhere did it. . . . Those crafting the Declaration of Rights wanted to believe they believed in a creed, but they did not want to live by it." Utility maximizing politicians even then!

Wills' arguments concerning the role of Thomas Jefferson and James Madison in early debates over the ability of states to nullify federal laws are particularly self-defeating. "When local passions have been inflamed against

---

*The fact that American history is marred by numerous unjust episodes that we have whitewashed in our popular mythology does not imply, as Wills would have it, that we should abandon our distrust of government. It suggests that we should be even more wary of political power and the mischief it can lead to.*

---

others, it is hard to get a reasonable hearing for all sides. That is the story of every lynching. If a larger arena is engaged in the sifting of such matters, local bias will not be the only force involved." Here Wills astutely points out one of the shortcomings of local authority — it can be captured by one group and used to abuse the rights of the minority. But he seems unaware

that this same abuse can happen on the national level. He quotes Madison, "It must be admitted on all hands that the state governments are as liable to attack the invaluable privileges as the general government is, and therefore ought to be as cautiously guarded against." Madison envisioned a federal government that took very little action, so that the states may have been the more likely to impede rights. But the federal government has grown a great deal since. Would Madison still be so concerned with state rather than federal abuses today, when dozens of federal regulatory agencies have armed policemen and agents that routinely pry into our personal lives?

But we need not look to contemporary history for such abuses. During his presidency Jefferson, Wills points out, enacted an embargo on trade with England. According to Wills, Jefferson "became as pigheaded in his refusal to admit his mistake as Americans would be in slogging through year after year in Vietnam. . . . Since the interruption of external trade deranged the entire internal market of the nation, Jefferson asked for and received the power to redistribute necessary items like food-stuffs on a rationing basis." Jefferson went even further. Suspending the presumption of innocence, he proclaimed, "we may fairly require positive proof that the individual of a town tainted with a general spirit of disobedience has never said or done anything himself to countenance that spirit." About the punishment of smugglers who dared break Jefferson's embargo the President stated, "My hope is that they will send me full statements of every man's case, that the most guilty may be marked as examples [i.e. Jefferson wanted to decide who was to be executed], and the less suffer long imprisonment under reprieves from time to time."

If a champion of individual liberty like Jefferson can, when in office, engage in actions that deny liberty, what comfort do we have that other leaders — less schooled in the virtues of freedom than the Founders — will not engage in even more detrimental actions? Wills seems to miss the profound importance of Jefferson's tyranny; no elected official can be completely trusted not to abuse power.

Rather he would have us take from it that even Jefferson was not as anti-government as we have been led to believe. He points out "the oppressive act in our early history remains, for most libertarians, Adams's four alien and sedition laws, not Jefferson's four embargo enforcement laws." But libertarians should loathe both and see them as examples of just how justified the concern about government's power is.

The "myths" Wills attacks are the

result of our long quest to guard against tyranny, be it from a foreign crown, an expansive central government, or state laws designed to deny individual liberties. That even some of the Founders sacrificed freedom for political convenience only underscores the importance of eternal vigilance in the cause of liberty.

Extremism in the defense of liberty is no vice. But denying that liberty needs to be defended is. It is the unnecessary evil Wills presents in this book. □

# Classified Ads

## Employment

**Liberty** magazine offers full-time, paid internships at all times of the year. We seek intelligent, highly motivated individuals who want to learn more about writing and editing. Responsibilities are flexible according to demonstrated abilities and interests. For more information, write: R.W. Bradford, Editor, *Liberty*, P.O. Box 1181, Port Townsend, WA 98368.

## Literature

**The Sociology of the Ayn Rand Cult** by Murray N. Rothbard. Published in 1987, this essay is one of the most important scholarly works on Ayn Rand's inner circle. Rothbard was there, and what he offers is an unflinching, critical look at a cult that "promoted slavish dependence on the guru in the name of independence." Send \$4 to Liberty Publishing, P.O. Box 1181, Port Townsend, WA 98368.

## SunriseView.com

Inspired by Thomas Paine, this unusual polemic, *The Return of Common Sense* by Eric Szuter, reveals a surprising solution to the statist chokehold. Visit our Web site or call (504) 734-1795

**The Titanic Story** by Stephen Cox. Truth is more fascinating than myth. This readable and entertaining new book cuts through the myth of the "arrogance" of capitalism and modern technology and gets to the real story — the drama of individuals coping with the risks of human life. Send \$9.95 to Liberty Book Club at P.O. Box 1181, Port Townsend, WA 98368.

**Ayn Rand and Her Movement** — an interview with Barbara Branden. Ayn Rand's close friend

Classified Advertising is available for 50¢ per word, ten words minimum. E-mail addresses, telephone numbers, URLs are charged as 7 cents PER CHARACTER. Ask us for requirements on adding your logo to your ad. 10% discount for six or more insertions. Payment must accompany order (check or money order only). Please suggest classification. Deadline for next issue: April 3, 2000.

discusses the inner circle of the Objectivist movement. Learn what it was like to be a companion of the woman who thought of herself as "the world's greatest political philosopher." Send \$4 to Liberty Publishing, P.O. Box 1181, Port Townsend, WA 98368

## Magazines

**Backwoods Home Magazine** — a practical guide to self-reliance. Country living, alternative energy, gardening, recipes, building, livestock, Americana, history. Publisher Dave Duffy's libertarian viewpoints are a must read. \$9.95 for 1/2 year subscription plus a FREE extra issue. PO Box 712-L, Gold Beach, OR 97444. 800-835-2418. [www.backwoodshome.com](http://www.backwoodshome.com).

## Merchandise

**Darwin Fish**, Freethought Merchandise: Shirts, hats, literature, novelties. P.O. Box 346, Somis, CA 93066, <http://members.aol.com/PoeSpecs> or (888)666-8661.

## Personal

Gay libertarian man, 39, seeks new friends. POB 190315, San Francisco, CA 94119-0315. Email: [mdf1960@yahoo.com](mailto:mdf1960@yahoo.com)

## Services

Until the libertarian future is realized, we're going to need **tax relief**. Call me. 602/295-6563. <http://ima.thetaxpeople.net/~joenail>

## Web Sites

Any libertarian stuff on tv this week? [www.missliberty.com](http://www.missliberty.com)

## "Letters," from page 38

off the press. This was a private document, which Orwell probably never dreamed would be read in its raw state by anyone other than a prospective publisher.

2. In my remarks about Orwell's change of position on the war, I left unsaid something I should have made explicit. Orwell offered considered arguments for opposing the war, and then later for supporting the war. These two sets of arguments reveal two different and incompatible analyses of the world situation and of the Third Reich in particular. (There is much less surviving detail in the former, but we know that Orwell wrote an antiwar pamphlet, now lost.) Possibly Tyrrell holds that Orwell's pro-war arguments are merely rationalizations of his patriotism but I find this completely implausible. I'm proposing that Orwell's specific arguments against and then for the war (which do not appeal to patriotism) should be taken seriously, and that Orwell's remarks about his change of view being nothing but patriotism should be classed as an instance of his well-known penchant for occasional reckless overstatement. After all, Orwell's earlier antiwar arguments turned out to be mistaken, and his later pro-war arguments turned out

to be mainly correct: Britain did not, in fighting National Socialism, itself become just as bad as the National Socialist regime.

3. Orwell saw the Burmese people, as he saw the English working class, as having unsavory qualities. It does not in the least follow that his support for Burmese independence, or English working-class advancement, must have been "grudging." This support was wholehearted and enthusiastic.

4. Tyrrell suggests that an independent India in 1939 might have defended itself against Japan, and might even have supported the Allied war effort. But Gandhi's followers, who would have become the Indian government (and later did) openly proclaimed that they would "resist" the Axis only by "non-violent" means. Indian troops could repel invasion, but troops can do nothing without orders.

Indian Muslims tended to support Britain, while Hindus tended to be neutral or to support the Axis. Muslims preferred British to Hindu rule, while one of the Hindus' main gripes was that as India steadily acquired more self-government, Britain allowed autonomy and eventual right of secession to Muslim areas. In March 1942 the (Hindu nationalist)

Indian National Congress was offered dominion status (effective independence, like Canada) after the war in exchange for supporting the war effort. Gandhi contemptuously rejected this on the ground that under the British proposal Muslim areas would be allowed to secede. His motivation was probably partly the hope that Britain might be defeated, and the Axis might then squelch Muslim secessionism.

India was important to the Allied war against Japan; even neutrality would have been a serious setback, but if Britain had pulled out and the U.S. had done nothing, India could have been controlled by the Axis within a few weeks.

5. I doubt that, as Tyrrell claims, Animal Farm made converts to Trotskyism. At any rate, Animal Farm is objectively anti-Trotskyist. It does give some comfort to Trotskyists in painting a rosy picture of the first days of the Bolshevik regime, yet it conveys Orwell's view (which we can confirm from his other writings) that Stalinism was the natural outcome of Bolshevism and that as head of the Soviet government Trotsky would probably have been little better than Stalin.

David Ramsay Steele  
Chicago, Ill.

## "Reflections," from page 16

because Mr. Baker's proposed yokemate was a yokefellow. Two lesbian couples who wanted to become one bone and one flesh got analogous brushoffs. The Same Sex Six separately sued the State of Vermont, and three localities, to get marriage licenses. They won. Or lost. Probably both. The opinion is generally favorable to liberty, but is regrettable both in reasoning and remedy.

The Vermont Supreme Court decided *Baker v. State* on December 20. It held that the Six and others so oriented have a right to the benefits of marriage, but will have to wait for the legislature to decide whether they will get full marriage, or a quasi-marriage called something like "domestic partnership". The pleasures of connubial bliss may follow. But for now:

The current statutory scheme shall remain in effect for a reasonable period of time to enable the Legislature to consider and enact implementing legislation in an orderly and expeditious fashion. . . . In the event that the benefits and protections in question are not statutorily granted, plaintiffs may petition this Court to order the remedy they originally sought.

Marriage is a civil contract, and a very important one.

Under general contract law, no license is needed to enter into a contract. If we are going to accept the proposition that marriage ought to require a license, all competent persons should receive licenses. The same-sex ban should end.

Vermont does not have a constitutional clause guaranteeing equal protection of the laws. The Court relied on its Common Benefits Clause, which is parallel to the federal equal protection clause:

That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community, and not for the particular emolument or advantage of any single person, family, or set of persons, who are a part only of that community.

On first reading, this sounds like typical Commie bull. But the clause was written in the high tide of liberty in 1777; it has only changed since to convert man to person. And further reading satisfied me that the Common Benefits Clause is consistent with both the rule of law and limited government.

All homophobes and many conservatives would argue that homosexual relationships should be discouraged for the common benefit of the community. They are blissfully una-

ware that the common benefit is better served by letting competent adults contract in this sphere, as in others. As Judge Jessel wisely wrote in 1875:

If there is one thing which more than any other public policy requires it is that men of full age and understanding shall have the utmost liberty of contract, and that their contracts when entered into freely and voluntarily shall be held sacred and shall be enforced by courts of justice.

The Court ignored the Jessel approach, engaging instead in a balancing test, weighing the liberty of the plaintiffs against the public good:

The legal benefits and protections flowing from a marriage license are of such significance that any statutory exclusion must necessarily be grounded on public concerns of sufficient weight, cogency, and authority that the justice of the deprivation cannot seriously be questioned.

The Court found that the dozens of marital rights lost by the excluded gays and lesbians far outweighed the interest of Vermont in providing a stable home environment for children and for legitimization of children via marriage of heterosexuals; this is largely because same-sex couples already are raising children (some of which are the biological children of one of the partners), and because many heterosexual couples have no kids and intend to have none. Opposite-sex marriage is neither necessary nor sufficient for child rearing.

For me, there was nothing to balance. Some gays and lesbians wanted to wed. Other people who hate homosexuals or think marriage requires traditional procreation don't want them to wed. They should have no more standing on this issue than they have to decide if the couples will be vegetarians, Methodists, wiccans, or Buddhists.

## Moving?

To insure that your subscription to *Liberty* is not interrupted, be sure to inform our circulation department of your old and new address at least four weeks in advance:

Liberty Circulation  
PO Box 1181  
Port Townsend, WA 98368

The other oddity involved the remedy.

We hold only that plaintiffs are entitled under Chapter I, Article 7, of the Vermont Constitution to obtain the same benefits and protections afforded by Vermont law to married opposite-sex couples. We do not purport to infringe upon the prerogatives of the Legislature to craft an appropriate means of addressing this constitutional mandate, other than to note that the record here refers to a number of potentially constitutional statutory schemes from other jurisdictions. These include what are typically referred to as "domestic partnership" . . . acts . . .

This remedy was not consistent with the separation of powers between the judiciary and legislature.

The Six sued for licenses. The function of the court was to decide the case before it. The Court found existing law invalid, but instead of going ahead and granting the marriage licenses, it delegated the decision to the legislature, while retaining the right to review what the legislature does.

The Court's reason was clear. In Alaska and Hawaii, constitutional amendments overrode court decisions granting some same-sex marriage rights. The Court feared the same from an overly radical decision. Voters are less likely to amend their constitution to overturn a law than a court decision. Their thinking was probably politically sound, but it's the function of courts to make correct legal decisions, not political ones. The court flubbed it.

—Martin M. Solomon

## Notes on Contributors

*Baloo* is a *nom de plume* of Rex F. May. He is the best cartoonist in the world.

*David Boaz* is the author of *Libertarianism: A Primer* and the editor of *The Libertarian Reader*.

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

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

*Matthew Brown* is a research associate at the Political Economy Research Center.

*Robert Campbell* is a professor of philosophy at Clemson University.

*Scott Chambers* is a cartoonist living in Arizona.

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

*Miles Fowler* is a writer living in Charlottesville, Virginia.

*Leon Hadar* is the author of *Quagmire: America in the Middle East*.

*Gene Healy* is a lawyer practicing in Virginia.

*Stefan B. Herpel* is an attorney in Ann Arbor, Michigan. He argued a forfeiture case, *Bennis v. Michigan*, before the U.S. Supreme Court in 1995.

*Robert Higgs* is the editor of the *Independent Review*.

*David Kopel* is the author of *The Samurai, the Mountie, and the Cowboy: Should America Adopt the Gun Controls of Other Democracies?*

*Barry Loberfeld* is the president of the Long Island chapter of the Freeman Discussion Society.

*Durk Pearson* is co-author of *Life-Extension: A Practical, Scientific Approach*.

*Patrick Quinn* is a writer about child welfare history, who is planning a revolution in child welfare.

*Sheldon L. Richman* is editor of *Ideas on Liberty*.

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

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

*Martin M. Solomon* is an assistant editor at *Liberty*.

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

# Terra Incognita

## U.S.A.

Consistency, loosely defined, in the pages of the *Weekly Standard*:

To his credit, Dr. Seuss consistently decried racism. "Gracious! Was that in my head?" a bewildered John Q. Public asks, after Uncle Sam sprays "Mental Insecticide" in Public's ear, dislodging an ugly "Racial Prejudice Bug." The artist's "progressive" philosophy, however, did not cover the Japanese. In countless cartoons, bucktoothed, slit-eyed, pig-nosed "Japs" are seen threatening America.

## New Jersey

The New Jersey Transit Agency registered the following domain names in their .com, .net and .org varieties:

IhateNJtransit	IhateNJ	NJtransit-sucks
I-hate-NJtransit	NJTucks	NJtransiteatme
NJtransitsucks	NJtransithblows	NJtransitrots
NJtransithbites	NJtransit-bites	

## Chile

A cutting edge art exhibition, reported by the *Associated Press*:

Daniela Tobar woke up Wednesday, walked to the bathroom, undressed and took a shower — as scores of people watched.

The 21-year-old actress is spending two weeks in a house in central Santiago made of nothing but glass as part of an exhibition, funded by Fondart, a government cultural agency, designed to gauge how the public feels about a person's right to privacy.

"The idea is for her to live a completely normal life," said architect Arturo Torres, who developed the idea with a colleague. "We want to show a way of life which is unusual."

Scores of people gather along the sidewalk each day, gawking as Tobar does laundry, cleans, eats, receives visitors — even goes to the bathroom. Every corner of the 8-foot-by-8-foot structure can be seen from the sidewalk.

"As I stepped out of bed, the crowd starting chanting, 'undress, undress!'" she observed.

## South Carolina

Curious piece of legislation proposed in the Palmetto State, reported by the *San Jose Mercury News*:

South Carolina state Sen. David Thomas drafted a bill to ban the sale of urine. The bill carried a penalty of five years in prison for selling or giving away urine.

## U.S.A.

America faces a new challenge, reported by *Elder Update*:

Becoming an elder-ready nation requires the same single-minded effort that dealt with the Y2K challenge.

(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or email to [terraincognita@libertysoft.com](mailto:terraincognita@libertysoft.com).)

## Florida

Reuters reports on an important lawsuit for all of those who are victimized by drunken electrocution:

A Florida man who said he was shocked by 13,000 volts of electricity after climbing up a transformer in a "drunken stupor" has sued a public utility for his injury.

Ed O'Rourke sued Tampa Electric Co., arguing that the utility did not do enough to prevent him from slipping into a fenced, gated and locked substation and scaling the electrical transformer late one night in May 1996.

He also sued six businesses that had sold him liquor. The owner of The Waterhole Sports Bar, one of those O'Rourke sued, said he remembers the transformer incident but denied that O'Rourke drank at his bar the night it happened, "because he was previously thrown out of here because he was writing on the bathroom walls."

## Canada

Our Neighbor to the North defends religious freedom, reported by *National Post*:

The federal government has removed the Jewish holidays, Halloween and even Mother's Day from calendars produced for Canada's members of Parliament, after an Arab-Canadian complained last year that the daytimers included only Catholic, Protestant and Jewish religious holidays.

## Switzerland

*The New York Times* reports on immigration policy in a direct democracy:

A new citizen review of personal details about foreigners seeking to become Swiss citizens resulted today in the rejection of most applicants, including all those from the Balkans.

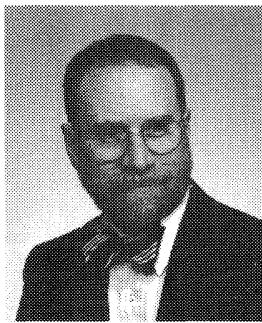
Provided with information about an applicant's salary, tax status, background and hobbies, voters in an industrial suburb of Lucerne decided that only four families, all of Italian origin, were suitable to become Swiss — 8 individuals out of a total of 56. The rest, many from the former Yugoslavia, were voted down, most by considerable margins.

"This is Swiss direct democracy," said Urs Ischi, a Peoples Party member who promoted the new system, in which voting on citizenship was conducted with national referenda. "It was not only against Yugoslavs but also against others, including Turks and Hungarians."

## Wall Street

The meaning of the computer revolution, from an editorial in *The Wall St Journal*:

The information age, however, isn't just about Web surfing. It's about living in a nation of people with the means at last to make individual choices — about their children's education, their health care, their retirement funds — indeed, about the appropriate uses of the nation's wealth.



President Clinton insists that a tax cut is as irresponsible for the country as a pricey vacation would be for a family that can't pay its mortgage and meet other important expenses.

Speaking to a women's group, the president said, "One of my bright staff members said, it's kind of like a family sitting around the kitchen table saying, you know, we have always wanted to plan a really fancy vacation to Europe — let's just do it and blow the works, and when we get home, we'll figure out whether we can pay the mortgage, the car payment and send the kids to college."

That staff member is more clever than bright. If Mr. Clinton is listening to him or her, he's not quite as bright as he's reputed to be. Actually, this is not a matter of intelligence but ideology. Mr. Clinton's premise is that the country is like a family, only bigger. This is collectivism

pure and simple and must be rejected. The analogy jeopardizes the principles of liberty that this country was founded on and, ironically, subverts the integrity of real families.

Taxes are forced extractions from productive people that are used to finance projects chosen by politicians. Most of these projects consist of transfers of wealth to favored constituencies of non-producers (some of whom are wealthy). Much of the money is taken from families, leaving them less not only for vacations, but for housing, education, medical care, and other priorities. Many people pay more in taxes than they do for food, clothing, and housing.

Mr. Clinton went on to say, "Why are we even discussing it [a tax cut] before we decide what it takes to save and strengthen Medicare, and what it takes to save Social Security, and what we have to invest in the education of our children, the defense of our nation, the protection of our environment?"

Because the money doesn't belong to Mr. Clinton and his fellow spenders of other people's money. He himself proposes a trillion dollars in new spending.

## Tax Cuts Are Free

### by Sheldon Richman

He'd rather expand the welfare-warfare state than let people keep what belongs to them — an outrageous, inverted set of priorities.

As for saving Medicare and Social Security, Mr. Clinton continues either to engage in rank demagoguery or to live in deep denial. These programs are doomed and there is no saving them. They have always been pay-as-you-go schemes, which means they simply transfer money from producers to nonproducers. No money is invested, and the systems are susceptible to the aging of the population. When the baby boom retires, two taxpayers will be forced to support each retired person. The cost of Medicare skyrockets well beyond the government's projections. Mr. Clinton's heralded plan to save these disastrous programs only pushes the problems a bit further off into the future, when someone else will have to deal with them. His budget magic would get a private financial officer thrown into the hoosegow.

If he were more interested in people and less in government, Mr. Clinton would dump the programs and recognize each American's right to keep his money and invest for his own retire-

ment. Not only would citizens make better provision than a bureaucracy ever could, they would regain their autonomy and dignity. Why should Americans be dependent on shortsighted, scheming politicians for retirement income and medical care?

Finally, Mr. Clinton's collectivism is starkly revealed whenever he asks how tax cuts are to be paid for. Tax cuts don't have to be paid for. They are not a form of government spending. They consist of leaving money in the hands of the people who made it. If there's a cost, it's only to the people who haven't made it. It's the same as the cost to a robber who is scared away by his would-be victim before he commits the crime.

The Republican tax cut is pitifully small. That Mr. Clinton is so adamantly against it shows what a man of government he is.

*Sheldon Richman is senior fellow at The Future of Freedom Foundation in Fairfax, Va., author of its book *Your Money or Your Life: Why We Must Abolish the Income Tax*, and editor of *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: [fff@fff.org](mailto:fff@fff.org)  
[www.fff.org](http://www.fff.org)



We Don't  
Compromise.

Visit our NEW website:  
[www.fff.org](http://www.fff.org)

- ◆ More than 900 essays!
- ◆ Interactive Debate Forum!
- ◆ Free E-mail update!!
- ◆ Plus much MORE!

and

**Order:**  
One-year (12 months)  
subscription  
to *Freedom Daily*  
(FFF's monthly journal of libertarian essays)  
at \$18.

Send to FFF  
11350 Random Hills Road, Suite 800  
Fairfax, VA 22030

# At last. A scholarly journal dedicated to the study of Ayn Rand's thought and influence.

*The Journal of Ayn Rand Studies* is the first scholarly publication to examine Ayn Rand: her life, her work, her times. Welcoming essays from every discipline, *JARS* is not aligned with any advocacy group, institute, or person. It welcomes scholarly writing from different traditions and different perspectives, facilitating respectful exchange of ideas on the legacy of one of the world's most enduring and controversial philosophers.

*JARS* is edited by R. W. Bradford, libertarian writer and publisher of *Liberty*; Stephen Cox, author of many books and articles on Ayn Rand, Isabel Paterson, and libertarianism; and Chris Matthew Sciabarra, characterized by *The Chronicle of Higher Education* as "Rand's most vocal champion in academe."

The first issue was a milestone in Rand scholarship, and the second issue is just as exciting!

Gregory R. Johnson and David Rasmussen challenge Rand's defense of abortion on demand as inconsistent with her fundamental principles.

Stephen Cox explores Ayn Rand's ideas on the craft of fiction.

Kirsti Minsaas examines the role of tragedy in Rand's fiction, drawing lessons from Aristotle, Nietzsche, the Prometheus myth, and the Stoic idea of heroic calm.

Bryan Register criticizes Rand's theory of concept-formation, seeking relief in the work of H. H. Price.

Was Ayn Rand a feminist in spite of herself? Lisa M. Dolling reviews Gladstein and Sciabarra's *Feminist Interpretations of Ayn Rand*.

Is benevolence a selfish virtue? Tibor R. Machan reviews Kelley's *Unrugged Individualism*.

Robert L. Campbell reviews a new primer, Machan's *Ayn Rand*.

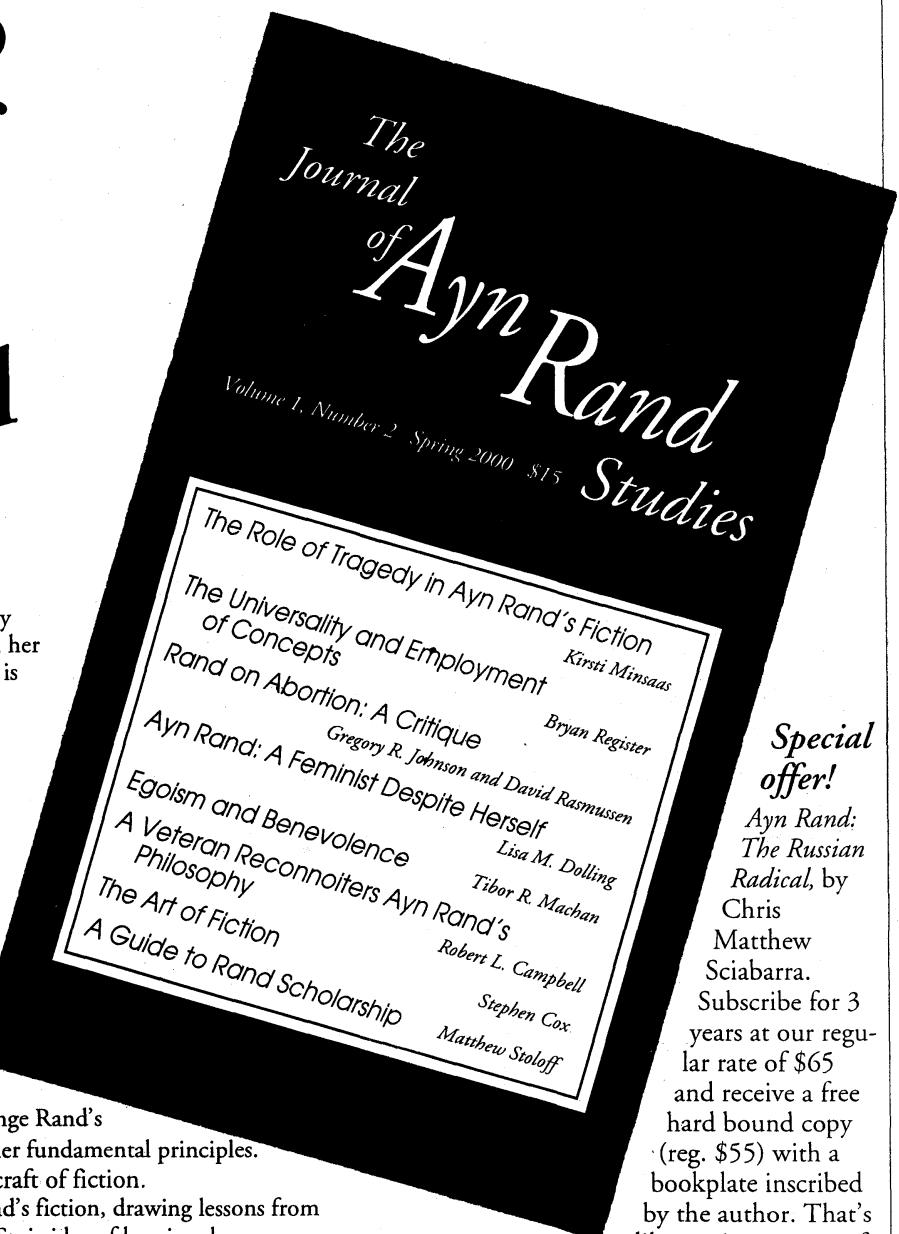
And Matthew Stoloff supplements Gladstein's *New Ayn Rand Companion* with an ongoing reference guide to scholarship on Rand and Objectivism.

Annual subscription: \$25 individuals, \$40 institutions

Two year Subscription: \$45 individuals, \$75 institutions

Three year subscription: \$65 individual, \$100 institutions

Charter subscriptions still available!



## Special offer!

*Ayn Rand: The Russian Radical*, by Chris Matthew Sciabarra.

Subscribe for 3 years at our regular rate of \$65 and receive a free hard bound copy (reg. \$55) with a bookplate inscribed by the author. That's like getting 3 years of *JARS* for just \$10!

Yes!

Please enter my subscription to the *Journal of Ayn Rand Studies*. I enclose my check in full payment.

- One Year: individuals \$25, institutions \$40
- Two Years: individuals \$45, institutions \$70
- Special: Three Years individuals \$65, with free autographed hardbound copy of *Ayn Rand: The Russian Radical*, by Chris Matthew Sciabarra
- I want a Charter Subscription. Start my subscription with Vol 1., No. 1.

name \_\_\_\_\_

address \_\_\_\_\_

city \_\_\_\_\_

state zip \_\_\_\_\_

Send to:

Journal of Ayn Rand Studies  
1018 Water Street, Port Townsend,  
WA 98368