

# Liberty

May 2001

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Too Small,  
Too Unfair

(but not for the Democrats' reason)

## The Plot to Destroy Oregon

*by Randal O'Toole*

## Wrecking the Rails

*by Stephen Berry*

## Conversations With Hitler

*by Stephen Cox*

## Rats and Moles

*by Frank Fox*

## Not a Union Man

*by Bruce Ramsey*

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# Letters

## Slave to a Cell Cluster

It didn't take long to realize that Charles Rebert's "Abortion and Hypocrisy" (March) was about his own hypocrisy. He claims, correctly, that each individual is a sovereign being and is responsible for his own life, and that no person rightly owns another. But then he grants the status of a human being to a cluster of twelve cells, or even to two cells, which obviously is not a human individual or a sovereign being, and which obviously is not responsible for its own life. He also casts into question the primary right to life, to walk, to think, to be responsible for oneself, condemning women to de facto slavery to a cell cluster. No thanks, Charles; keep your religious domination away from my rights. Women (and men) own their own bodies, and there aren't any "buts."

Rebert may be both a human being and a cluster of billions of cells, but that does not constitute an argument that any or every cluster of billions of cells (much less twelve cells) is therefore a Rebert. It's absurd to assign the human identity even of Charles Rebert to a cluster of twelve cells, or to any of their preceding infinite forms of various component elements.

Dave Braatz  
Mt. Mourne, N.C.

## Assertions Are Not Arguments

Hypocrisy? Mr. Rebert says that libertarians who support abortion rights are hypocritical because "an embryo conceived of human beings is itself a human being."

That's not a proof, and it's not even an argument. It's a mere assertion, hardly leading to the inescapable conclusion that support for abortion is contrary to libertarian principals.

Conception is obviously a very important event in a series of events that must occur for a human to success-

fully come into existence. But equally important are the events called "ovulation," "implantation," and "live birth." It is not obvious that conception should be accorded some special status.

At the time of conception, a single cell has a complete DNA package. So does every skin cell Mr. Rebert rips off his face shaving each morning. Yet, shaving is not a crime.

Conception is a necessary, but not sufficient, condition to give rise to a human being. For a variety of reasons that we do not fully understand, embryos often fail to develop into human beings. This failure is usually called "miscarriage," not murder.

Human life is trivialized by referring to it as a mere cluster of cells. But facts are facts. Just after conception, what exists is a mere cluster of cells, and to call that human also trivializes human life.

What exactly makes something "human" is a matter of some dispute. We argue about it at both ends of the life cycle. It is a difficult question, without easy answers. Those questions don't become easier to resolve by name calling.

John Stratford Mills  
Tacoma, Wash.

## Calling a Zygote a Zygote

If pregnant women own their bodies, as Charles Rebert concedes, then they own what is *inside* their bodies. As Murray Rothbard put it in *The Ethics of Liberty*, what "human being" has the right to reside inside the body of another against that other's will? If someone deposits a baby on my doorstep, am I obligated to care for it? Of course not, since that is not an obligation that I freely chose to undertake. In Rebert's upside-down world, pregnant women do not own the very cells and tissues in their own bodies, but are somehow responsible for the same???

The fact is that no one has a right to

be born. That is a choice that someone else makes for us. Furthermore, a woman has a right to change her mind; maybe she wanted a baby then but not now. It's her body and her life, and many times an abortion is the most responsible thing that a woman can do.

Calling the embryo or zygote or fetus "innocent" is a cheap emotionalistic trick of the anti-aborts. The concepts of innocence or guilt do not apply to a cluster of cells.

It is not a libertarian principle that the state must protect the weak from the strong; that is a totally irrational collectivist principle that is diametrically opposed to the very concept of individualism. What a person does to her own body — and that includes all parts of it, inside and outside — is not an initiation of force against another.

Only when a person is separated from another does that person have rights.

Get a new life, people. And by the way, please tell that cluster of non-brain cells, Rebert, that Hitler was very much anti-abortion. The Gestapo had an office to prosecute abortion and homosexuality headed by Heinrich Himmler.

Michael P. Hardesty  
Oakland, Calif.

## Mixing Seed With Soil

As an individual male, I think that I have little to no real clout on the topic of abortion, at least until I get a womb installed. However, as an opinionated individual male, I do have opinions.

I believe that an embryo is a mother's property. She uses her body to create from a cell of her own and a cell of a male. As John Locke wrote in his *Second Treatise on Government*, "the labor of his body, and the work of his hands, we may say, are properly his."

Therefore, before an embryo becomes a child, it is the mother's decision to keep or abort it. Either way, it is something that is a direct creation of that person who, with the minuscule contribution of a man at some point, created it. The second an embryo becomes a child, a process known as "birth," that child starts to become his own property. With every breath and heartbeat that child is working for the preservation of himself, the labor of his body is simply nothing more than to sustain his own life. As he grows, he

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begins to own more of himself as he takes on more functions: crawling, walking, talking, counting, reading, writing, and ultimately thinking individually, when he no longer is a simple product and possession of his parents, but an actual person who owns himself.

I support a woman's right to choose to keep or abort her embryo because that is the only time she will completely control her property.

Chris Strong  
Albany, Calif.

### The Market for Babies

The number of abortions would fall dramatically if people could buy custody of children. Custody is not slavery — it is just the right to raise a child, something all parents have. It is not unusual for people to pay \$25,000 to \$50,000 to adopt a child from a foreign country, with little assurance of its health or background. Those people would be happy to pay that amount to an American woman who would agree to carry to term and give them custody. I'm sure that many women, given the choice between an abortion or a large sum of money, would choose the latter.

Richard D. Fuerle  
Grand Island, N.Y.

### Starvation and the Way of Skousen

I've long felt the same way about Howard Roark as does Mark Skousen ("Ayn Rand's Screwball Economics," January). Roark may be a fine example of integrity, honesty, and decency (except for that small flaw of being a rapist!) but he's no model capitalist if he doesn't know that "The Customer Is Always Right!"

Yes, I know that this statement is not to be taken literally. What it really means is, "The Customer Has The Money." Your *lifeblood*, in the words of one of Rand's more sensible heroes — from a much better book.

Another hero from the same book, Hank Rearden, invents an alloy which is lighter, cheaper, and stronger than steel. Until Dagny places an order, no one is interested in buying it; but does Mr. Rearden stop pouring steel for his customers and insist that they buy his new, better metal? He does not. He keeps giving the customers what they order. Why? Maybe he prefers making

money to starving, which is what whiny Roark spends a lot of time doing in his book. A capitalist who wants to make money? Shocking!

Have you seen those commercials for credit cards where a demolition crew blows up a building amid cheering crowds, then blows up several more that weren't scheduled for destruction? The foreman says, "Well, we had some extra explosives, and people just love this kind of stuff!" The tag line is, "Just because you have the power doesn't mean you have to use it." So, do we have personal sovereignty? Sure. One is perfectly free to turn down business and piss off customers all day long — if you're stupid enough to do so.

Defending Roark's sovereignty and right to ignore his customers may be fine for ivory tower "capitalist intellectuals," but a real working person, out in the real world of capitalism, actually selling stuff to folks knows the real truth — the customer is king. Period.

Paul Scott Williams  
Denver, Colo.

### Deconstructing Skousenomics

You've got to admit that Mark Skousen takes the idea of consumer sovereignty to its logical conclusion. Trouble is, it's not a very nice picture he paints in his article "Ayn Rand's Screwball Economics."

According to Skousenomics, "the goal of all rational entrepreneurship must be to satisfy the needs of consumers." Wait a minute, what about the needs of producers? According to Skousenomics, producers are mere slaves of consumers. Their role is merely to give consumers whatever they want — and to hell with their own wants, needs, or desires.

What happened to the idea that trade occurs between consenting adults? According to Skousenomics, a producer — a Roark — doesn't have the right to his own opinions. And where can we find the ideal Skousenomic man? Well, we need look no further than Peter Keating who, after all, never did anything he wanted to do.

In such a Skousenomic world, we'd all suffer from schizophrenia. As consumers, we are sovereign, entitled to demand and expect to get whatever it is we want. The moment we go to the

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factory or office, we become mere slaves, automatons dancing to the consumers' tune.

I wonder how many people Skousen could get to join him in his utopia? I won't be one of them.

The acid test is: does Skousen practice what he preaches? If we look to his writings on economics, do we find that before he set pen to paper (or finger to keyboard), he surveyed students of economics and buyers of such books to find out what they wanted? Does Professor Skousen teach economics in the way that Peter Keating would, had he been an economist, not an architect?

Strange . . . but that's not what we find at all. Skousen's economic works fall within an obscure economic "sect" known as "Austrian." Far from giving consumers what they want, his books represent Skousen's own convictions.

As a producer, Skousen does exactly what he condemns Roark and Rand for. He fails his own test.

Shame on you Mark! Time you 'fessed up to the readers of *Liberty* that it's you, not Ayn Rand, who's the screwball on economics.

Mark Tier

Hong Kong

## Believing in Liberty

Timothy Sandefur's review of Dinesh D'Souza's book *The Virtue of Prosperity* ("Conservatives vs. Progress," March) was interesting, but misleading at several points. His main claim, as reflected in the title, is that "conservatism has always been hostile to free markets." A more accurate statement would be that there has always been an anti-market component to conservatism.

If Republicans have sometimes failed to defend and promote free markets, it is because the anti-market strain of conservatism has been ascendant. However, to write off the entire movement is a fatal mistake, since it contains many of the most crucial allies of liberty, namely those who base the case for liberty on the Judeo-Christian tradition. The liberty we enjoy today derives from this tradition, and will (continue to) disappear as we ignore it.

Sandefur admits the sad history of slippage on the part of liberalism in defending individual liberty in the past two centuries, illustrating the fact that liberty (or any other Western value) cannot be defended without a religious

basis. It's a lost cause. Tocqueville said, "If a man has no faith he must obey, and if he is free he must believe."

Another way to say it is that men will either be restrained by religious conviction or by force.

Sandefur cites the hostility of many conservatives to teaching evolution, fetal-tissue research, and cloning as evidence of their hopelessly backward, anti-progress attitudes. This obscures and dismisses the true source of their objections: Judeo-Christian rejection of atheistic materialism and its associated devaluation of individual human beings created in God's image. This true source is, of course, also the source of our liberty and many other Western values.

Steve Sawyer

Fountain Hills, Ariz.

## A Lexicographical Suggestion

Bruce Ramsey asked for ideas on words to label modern leftists (*Reflections*, April). My suggestion is "socialists." It seems obvious, but it's both accurate and pejorative. I find it works well in my e-mail list debates with fellow Princetonians, and it certainly gets the desired ire raised. It even stimulated a discussion of "labels" which, of course, socialists use to brand everyone else, but don't like to have pinned on them.

Scott L. Replogle  
Boulder, Colo.

## Truman II

I enjoyed your take on Bill Clinton's "legacy" and his reign of power ("Bill Clinton: A Celebration," April). I am reminded of Harry S. Truman, who was president when I was a youngster. As near as I can remember, he was roundly and soundly hated by every adult that I ever heard speak on the subject. This was particularly so when

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he sacked MacArthur.

The vilification of Truman was so strong then that I am still amazed at his near deification today. It is almost as though he not only didn't do anything wrong, he could never do wrong! Yet, I can remember him being referred to as a former bagman for the Pendergast political machine!

Clearly, Americans have short memories. And we are a very forgiving tribe. I doubt that we will live long enough to see it, but our children should not be surprised to hear in their 60s or 70s what a great president William Jefferson Clinton was.

Harvey Hooker  
Houston, Tex.

### Estrogen and Entitlement

It should surprise no one that women in modern America are a threat to freedom and liberty ("Robbing Peter to Pay Mary," April). One merely has to reflect upon the gender debate that has been taking place throughout a generation of the "modern women's movement."

At no time in the last 35 years have I noticed any woman of consequence, from Gloria Steinem to Phyllis Schlafly, argue that women should have any defined obligation to the commonweal. Prior to *Roe v. Wade*, I occasionally heard a woman argue that the female service to society was "raising the children." However, that decision made it quite clear that society would require no woman to raise any child. In any case, I have never met any woman who was required to raise anyone. Moreover, having helped raised two sons, I have never thought for a minute that I was doing a favor to society. The only service obligations I encountered were supporting their mother and military duty in Vietnam. I eagerly await meeting the first woman equally obligated.

American women make up the most "entitled" group of people to ever roam the planet. They enjoy rights that men have never dreamed of without fear of any obligation to society. Yet, we hear from them nothing but continued complaint.

Comparable worth has been a convenient way for women to demand "equality," while carefully avoiding the inconvenience of free-market forces. Thus we are left with women still badgering about the "glass ceiling," while

society is not even aware of the "death cellar" inhabited by men. (Over 90% of workplace fatalities are male, begging the question, "Why *shouldn't* men average higher pay in the overall workplace?")

We are not going to take the vote away from women, but that is the wrong approach anyway. Rather, the natural greed, envy, and selfishness of human nature will carry the day, and women and men alike will continue to demand more from the state. Bless the hearts of the meager minority of women who do not think the state owes them a living, but they are totally overwhelmed by liberal and conservative women, both of whom want benefits bestowed upon them by the commonweal.

Gene Hopp  
Bellevue, Wash.

### Israel: Doing Our Job in the Middle East

Hey — enough already of publishing blatant propaganda pieces. The "Minaret of Freedom Institute." What a laugh. The democracy of Israel isn't perfect? Let's look at the alternates: Syria, Iraq, Iran, Saudi Arabia, Kuwait, Qatar, Jordan, Egypt, Yemen, and Oman have not done a thing for their "brothers," despite their fantastic oil wealth. These despots and dictators want a democracy in their midst like they want bubonic plague.

Wake up: Israel is doing our job for us. Support them.

D.G. Gumpertz  
Toluca Lake, Calif.

### You Think Israel's Bad?

So Israel is a "socialist, racist, theocratic state" ("The Dark Side of Israel, April")? Really, compared to which of the 22 Arab dictatorships or monarchies surrounding it? Syria? Iraq? Iran? Egypt? Libya? Or how about Arafat's own Palestinian Authority?

Within the context of the Middle East, Israel is a relative oasis of freedom, with a free press, free elections (open to all its citizens, Arabs included), and, despite extensive government controls, a predominantly free economy. The rights of every religious community are guaranteed by Israeli law. In contrast, nearly every Arab state proclaims Islam the state religion and harasses or oppresses members of minority groups.

Although the Israeli Law of Return does grant immediate citizenship to all Jews requesting it, Israeli citizenship laws for non-Jews are more liberal than those of the United States and most other Western states. In terms of Israel's treatment of its minorities, most Israeli Arabs within Israel proper, have a far higher standard of living than their fellow Arabs in Arab lands, and much more freedom than their brethren under any Arab leadership, including the Palestinian Authority.

There is undeniably discrimination in Israel, but it is more social and psychological than economic or legal. The sole distinction which Israel makes between Jewish and Arab citizens is that Israeli Arabs are not required to serve in the military (to avoid any conflict of conscience), and as a result, those who do not serve do not receive the subsidies that the state gives to veterans. As for "the historic co-existence of Jews and Arabs," this too is a distortion. Every minority under Arab rule has suffered discrimination and worse.

With the exception of perhaps two or three eras with very clear boundaries, Jews lived as "dhimmi" (third class "protected persons") in Arab "melahs" (ghettos), they suffered continuous harassment under Islamic restrictions and were under ever-present physical threat. Moslem countries have a long history of pogroms from the time of Mohammed through the 20th century. As to the curfews and closures on the West Bank, they are responses to rioting and terrorism sponsored by Arafat's Palestinian Authority.

The real cause of the conflict is the position the Arabs have always taken and which Ahmad apparently shares — the view that "Israel's present existence should be anathema." Israel is hated in the region because, with all its problems, it strives to embody Western cultural and political values.

I agree with Mr. Ahmad when he says the conflict is not primarily a religious one. It is cultural and philosophical. Israel's achievements have bettered the lives of both Israeli Arabs and Jews. I don't see Arafat or any other Arab leader struggling to establish a country or society more free than Israel. Until that day comes, Israel is the only coun-

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G R E A T E S T

# Liberty

H I T S

**The Liberty Group** — Join R.W. Bradford, Tim Slagle, Fred Smith, Durk Pearson and Alan Bock as they presciently analyze the current political madhouse and slaughter sacred cows with abandon. This is a fast-paced journey of libertarian commentary that explores the issues of the day and predicts outcomes for the elections of tomorrow. (audio: A401; no video available)

**The Liberty Privacy Panel** — R.W. Bradford, Fred Smith, David Friedman and Doug Casey explore the privacy issues of the 21st century. (audio: A405; video: V405)

**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. Judge for yourself whether the provocative strategy he outlines will propel the LP into the big leagues. (audio: A408; video: V408)

**Selling Liberty in an Illiberal World** — Fred Smith 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; video: V412)

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

**End the Drug War or Forget About Freedom** — Alan Bock journeys to the heart of darkness in America's failed effort at drug prohibition. The casualties of the war, says Bock, are a lot of harmless people and your civil rights. (audio: A419; video: V419)

**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)

**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)

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# Reflections

## *Don't fight corporate power without it!*

— On a recent trip to San Francisco, I stopped at City Lights bookstore, a famous mecca for avant-garde poetry. On the walls are photographs of the store's beatnik and hippie past, and a sign from a recent protest against Borders bookstore. "FREE THE PRESS — from corporate power," it says. Of course, you can pay for your purchases at City Lights with American Express.

— Timothy Sandefur

## *Mothers Against Willy Wonka* —

Chocolate lovers should live in fear no longer. They need not spend exorbitant amounts of money on their favorite confectionaries, only to have the taste of chocolate quickly disappear. Scientists have developed a patch for those times when you just gotta have chocolate (or the satisfaction of it, anyway).

My complaint is that chocolate eaters don't deserve this method of sneaky satisfaction. They haven't gone through a period of ostracism. They haven't been constantly assaulted by bright white signs featuring a chocolate bar with a circle and line superimposed over it. They've never had to answer the question "chocolate or non-chocolate?" in a restaurant. Personal ads have never singled them out as unworthy, airlines have never threatened them with federal charges for tampering with rest-room devices, and I have not yet seen clusters of them shivering in the cold just outside doors of office buildings, furtively eating their sweet confection, as passers-by sniff their moral opprobrium.

If those chocolate eaters want their special little patches, I suggest we make them earn them. Next time somebody offers you a candy bar, look at him sideways and walk away. If a group of people in a restaurant order chocolate desserts, make a big scene about it and stalk out haughtily. Eventually we'll have chocolate lovers lining up for those little patches like they're going out of style.

— Eric Raetz

*Here kitty kitty, OHMIGOD!* — Dr. Andrew Weil, noted advocate of "alternative health care," told CBS's "60 Minutes" that he cured his allergy to cats by dropping acid. "I took LSD . . . I felt terrific and, in the midst of this, a cat came up to me and crawled into my lap." One drawback, of course, was that the cat was 40 stories tall,

smelled distinctly purple, and kept mumbling Babylonian poetry in his ear.

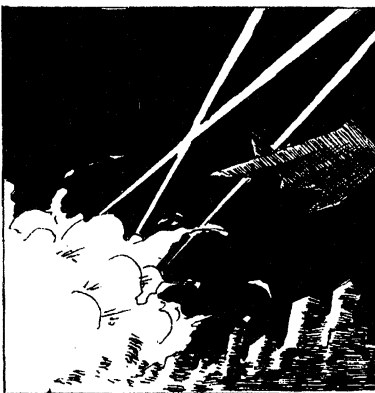
— Timothy Sandefur

## *I'm sorry Mr. Jefferson, but your support of the Constitution makes you unqualified for Libertarian Party membership* —

In a column published by *National Review Online*, Jonah Goldberg claimed that "libertarians . . . need to understand that operationally they are still members of the capital 'R' Right." Former Libertarian Party presidential nominee Harry Browne responded by sending a sternly-worded epistle to his campaign's mailing list. He pointed out that "political movements are hypocritical" and observed that neither left nor right "is a carefully defined political philosophy that stands consistently on one side of every issue and that conservatives, when elected to office, do not always support freedom." From which he concluded that "If you consistently want individual liberty, you're a libertarian — not a conservative."

It was a curious response. For one thing, Goldberg had not claimed that libertarians are "conservatives" — he only argued that they are "operationally . . . members of the capital 'R' Right." This is a far cry from the claim that Browne argues against, namely that libertarians cannot be conservatives.

Browne's blithe assumption that the behavior of a majority of elected conservatives somehow reveals the beliefs of all conservatives in general is equally silly. Would Browne argue that the behavior of elected libertarians reveals the characteristic beliefs of libertarians? Would he conclude, for example, that libertarians are no more consistent than conservatives because



GEORGE BUSH - AIR STRIKE BECAUSE IT'S A TUESDAY -

*George Bush*



BILL CLINTON - AIR STRIKES TO DISTRACT FROM SEX SCANDALS -

the Libertarian mayor of Big Water, Utah, turned his town into a speed trap for unwary motorists and lined its pockets with federal grants?

Having turned our attention away from Goldberg's argument to a straw man and silently introduced a ludicrous generalization, all that was left for Harry to do was to observe that conservatives, when elected, don't always support freedom. Q.E.D.

There's a lot more that's shaky about Browne's argument. He defines libertarianism as "consistent[ly] wanting individ-



ual freedom." This definition leads to an awful lot of problems: can a *consistent* defender of individual freedom support the Constitution, as Browne has? The Constitution quite plainly gives government the right to "regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes," to "grant Letters of Marque," and to "collect taxes on incomes, from whatever source derived." Can a libertarian support any tax whatever, even as an interim measure, as Browne has? What's the libertarian position on Letters of Marque? (Letters of Marque are licenses for private citizens to attack and plunder the ships of another nation.)

A significant minority of libertarians believe that government must be abolished altogether. If one "consistently supports individual freedom," it's difficult if not impossible to counter their arguments. Yet poll after poll shows that anarchist sentiment among self-identified libertarians is steadily declining and that the overwhelming majority of libertarians believe in some limits of individual freedom.

Of course, there is no reason to define libertarianism in such a troublesome way. It is quite possible to define libertarianism in a way that does not exclude, say, Milton Friedman, Frederic Bastiat, Friedrich Hayek, Ludwig von Mises, Isabel Paterson, and Thomas Jefferson. In fact, I'll offer a couple of sensible definitions:

To be a libertarian is to believe that human liberty ought to be greatly increased.

To be a libertarian is to believe that human liberty is the paramount goal of government.

Of course, the Libertarian Party is not that sensible. It requires everyone who wants to join to swear this oath: "I do not believe in or advocate the initiation of force as a means of achieving political or social goals." The LP oath is perfectly consistent with anarchism, though not with the beliefs of the overwhelming majority of libertarians. If it were taken with perfect seriousness, or if Browne's definition of a liber-

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*Browne's blithe assumption that the behavior of a majority of elected conservatives somehow reveals the beliefs of all conservatives in general is equally silly. Would Browne argue that the behavior of elected libertarians reveals the characteristic beliefs of libertarians?*

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tarian were insisted upon, the libertarian movement would be much smaller. Well, as Browne had pointed out, "political movements are hypocritical."

Are libertarians part of the left or the right? I think the answer is both. Avant-garde artist (and *Liberty* editor) Richard Kostelanetz is an admirer of left-anarchist Emma Goldman and quite plainly a man of the left. Bruce Ramsey, another *Liberty* editor, has proclaimed himself part of the political right. There's no inconsistency here: since the beliefs of neither the left nor the right are consistent, a libertarian can be part of either one of them without compromising his

belief in individual liberty. A right-wing libertarian, of course, should not join the right in its attacks on users of recreational drugs or its crusades against vice or homosexuality, but he can join in the fight to lower taxes and economic regulation and try to convince others on the right to support freedom more consistently. A left-wing libertarian can join the left in its fight for freedom of speech, but should not join his fellow leftists in their attacks on private property or in their campaigns for forced income distribution.

Personally, I get along fine with people of both the left and the right, but I'm not very comfortable with either. I'm a card-carrying member of the ACLU, but I oppose its goofy support for affirmative action. I don't believe I have any affiliations with right-wing groups, but I occasionally attend a local Republican Party meeting, where I find people amenable to just about the entire libertarian agenda aside from the issue of recreational drugs. At one time or another, I've been allied with groups on both the left and the right, perhaps sufficiently that one might characterize me, in Goldberg words, as being "operationally part" of either.

Liberty may be a rich, intoxicating wine, but it is not the wine of the altar. Libertarianism is not a religion. Advocating liberty does not require us to abandon our friends on either the right or on the left. The libertarian movement should be open to all who place a paramount value on liberty, whether they come from the left or the right, whether they renounce their old affiliations or continue them, whether they are anarchists or constitutionalists — or even politicians like Harry Browne.

— R.W. Bradford

**Gray power** — A friend once said that to tame a bird, just throw it into a bathtub full of water, and when you rescue it, the bird will be so grateful that you saved his life, he'll be your friend forever. I don't believe that's true: I figure that if the bird is smart enough to know you saved him, he's also smart enough to figure out who threw him in.

I look now at how the California power situation was caused by the same people who are credited with its salvation, and think to myself, "Maybe not."

— Tim Slagel

**Sweets for the masses** — Imagine yourself in a dark alley surrounded by three gangsters. They want your wallet, and you want to keep it. "Hand it over," the gangsters insist. We just took a poll, and 75% of the people in this alley think you should share your money.

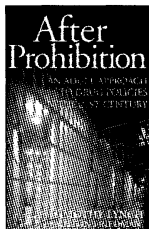
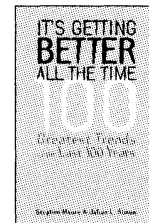
Are the gangsters nuts? Not really. They're just following the same policies as most politicians and the public, who seem to believe that if a large majority of the population wants to do something to a minority, then the majority should have its way. So if, for instance, 77% of the population wants to prohibit their fellow citizens from owning so-called assault weapons, then the majority should get its way, as former President Clinton and many other politicians have insisted.

Polls show that a huge fraction of the population liked the central feature of the Hillary Clinton health-care plan: requiring employers to pay for their employees' health care. That's one reason that proponents of full socialization of medicine haven't given up their long-term hopes. Does this prove that employer mandates are the way to go? (Ignore for the moment the fact that costs forced on employers are usu-

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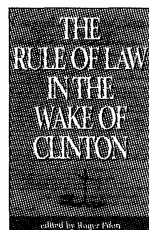
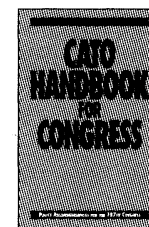


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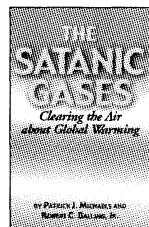
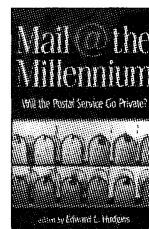


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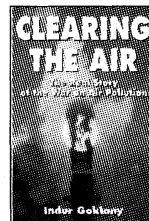


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ally passed on to employees, and imagine that it really were possible to make employers bear the full costs of government mandates.)

In 1994, *Spy* magazine conducted a poll of New Yorkers. Seventy-three percent favored employer-mandated health care. *Spy* then asked a follow-up question: A New York congressman wants to introduce legislation that will stimulate New York dairy production by requiring employers to provide their full-time employees with a daily serving of ice cream. Would you support such a bill?

Sixty-eight percent of New Yorkers polled said that they would support employer-mandated ice cream.

As one employee put it, "I would support anything that my boss would have to pay for."

Do robbery and oppression become legitimate when the majority approves? — Dave Kopel

**Spring to action!** — Randal O'Toole made an interesting comparison between libertarians and environmentalists. Back in 1970, he said, both were small bands of activists. The libertarians started a political party, and by 2000, they were . . . a small band of activists. The environmentalists started myriad local and national groups, and by 2000, they seemed to have won most of what they wanted. To be sure, the libertarians did form some think tanks, win some Nobel Prizes, play a role in the election of Ronald Reagan, and so on. But most of us do feel frustrated that — especially in the political arena — libertarians have had less success than we had hoped.

So what can we do about it? Well, one thing we could do is pick up on O'Toole's model, even if we're 30 years late. *Liberty* has thousands of readers. They could start some organizations, raise some money, make some noise, attract some followers. Perhaps if there were many libertarian groups agitating locally and nationally, some of them would take off. One problem with a political party or candidate is

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*Perhaps if there were many libertarian groups agitating locally and nationally, some of their efforts would pay off.*

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that voters tend to feel not only that they would be wasting their votes on a sure loser but that they have to agree with every tenet of a third party's platform before they can join the party. With an activist group, there's not the same fear of commitment. If you're opposed to the local tax increase, or the drug laws, or the curfew, or the handouts to major-league teams, or the war in Kosovo, or whatever abuse of freedom the local or national government is engaged in, you can work with a group that's fighting it. Or, more positively, you can work for term limits, school choice, tax cuts, or gay marriage.

Among *Liberty's* thousands of readers are some with organizing ability, speaking talents, and so on. So let a thousand flowers bloom, and let's build a broader movement. And of course, also among *Liberty's* thousands of readers are

some with substantial bank accounts. Money pays for advertising, direct mail, salaries, and all the other things that political activism requires. So step forward, funders. Every day I read in the paper that someone has donated \$50 million for a mayoral mansion in Washington, D.C., or \$125 million to cancer research, or \$20 million to Stanford University, or \$15 million to environmental organizations. Many of those are good causes, and of course all the donors have a right to give their money as they choose — but there must be Americans who value liberty as much as these other causes.

A particular activity I've long wanted to see is a Libertarian Political Action Conference. For 25 years, the conservatives have been getting together every February at the Conservative Political Action Conference; this year they claimed 3,500 participants. It would be great to see tax-cutters, school reformers, drug legalizers, term limiters, anti-war activists, and libertarians getting together to exchange ideas, meet funders, lobby Congress, and build a broader movement for freedom and limited government. Who would like to plan it?

— David Boaz

**The face of feminism** — The *North Shore Woman's Newsletter*, which bills itself as "Long Island's Longest Running Woman's Newspaper," recently offered its readers a photo of a fashion poster on which someone taped a piece of paper that reads "Teach Respect for Women *not* Objectification."

Just what was the objectionable — the "objectifying" — element in the poster? Are we supposed to believe that the woman who posed for it did so only under the coercion of a husband armed with attack dogs and a machine gun? Nothing about the picture suggested that. Nor could it refer somehow to violence, since the poster didn't even hint at anything remotely violent. Nor was it a matter of "economic coercion," since the model was undoubtedly paid far more than Joe Sixpack gets. It can't even be the nudity, since the woman is wearing — not a bikini, not a one-piece swimsuit — but a dress!

So what the hell is "objectifying" her and consequently teaching disrespect for all women? The answer: the dress has a scoop neck. That's right: apparently, cleavage = sex = "sexual objectification" = dehumanization. And while I don't believe that equation requires any comment, one thing certainly does: the protest slogan was taped onto her face. Now anyone who knows anything about feminist anti-porn "analysis" knows how feminists love to point to pictures in which a woman's face is obscured as exemplifying her dehumanization. So, we are left to ask: What is to be made of a feminist who can't recognize objectification when she's perpetrating it?

— Barry Loberfeld

**¡Viva Article II, Section 2!** — So it seems Bill Clinton pardoned Mark Rich for a cool 2 mil. For the sake of the Libertarian Party, I certainly hope he avoids prosecution. What a great campaign tactic for 2004, pardons for sale! "For the cost of just \$1,000, I promise to pardon your loved one once I'm in office. It's wrong that pardons can only be bought by the rich, I promise to make presidential pardons available to every nonviolent criminal whose family can come up with a grand." With a million drug criminals imprisoned, I could potentially raise a billion dollars, and

still stay within FEC contribution limits.

— Tim Slagle

**Big Brother knows best** — Last November, Oregon voters enthusiastically passed a ballot measure requiring compensation to property owners when government regulation reduces the value of their land. In response, the director of Portland's regional planning agency called for a constitutional amendment giving land-use planners the right to regulate all land use, without fear that those who are affected can demand compensation.

"We need a constitutional amendment to establish the floor below which we will not tolerate any further degradation of the beauty of this state," says Metro executive Mike Burton. Planning should be a constitutional right because "uncoordinated land use threatens orderly development, the environment, and the welfare of the people."

Burton clearly understands that planners have an omniscient ability to know how all land should be used, while "uncoordinated land use" responds only to petty things like what people want and are willing to pay for.

Portland planners, for example, know that the urban area has too much single-family housing and not enough multi-family housing, so they have applied mandatory minimum-density zoning to many areas.

The fact that Portland has one of the nation's least affordable markets for single-family housing, while apartment vacancies are at near-record levels, only shows that people haven't yet learned how wonderful their city will be when planners are through imposing their rules.

— Randal O'Toole

**Should these people be allowed to drive?** — It was

Feb. 21, the night when the nation discovered that Mrs. Clinton's brother had been paid hundreds of thousands of dollars to lobby Mr. Clinton to grant clemency to a pair of crooks who, by any traditional or obvious standard, were wholly undeserving. One of the television networks summoned former Democratic Sen. Dale Bumpers and "Republican" pundit David Gergen — the liberal who has made a career out of playing a conservative on high-brow TV — to state their reactions to the strangely unsurprising news. Gergen, visibly upset, opined that Clinton and wife could not possibly have profited from the deal: if there was one thing the Clintons never, never were, it was "venal"; money simply wasn't what they wanted. The omniscient Mr. Gergen seems never to have heard of Whitewater, cattle futures, or the theft of White House furniture. But former Sen. Bumpers had absolute proof that Clinton was never in it for the money: every time he and Clinton went out to eat, he said, he (Sen. Bumpers) had to pay for the meal!

— Stephen Cox

**Piltown cow** — It seems that recent attempts to save the little-known animal *Pseudonovibos Spiralis* are unfortunately doomed to failure. Is it because of deforestation?

Slash-and-burn agriculture? Toxic chemicals? Too much sunlight? No — the animal simply doesn't exist.

The whole fracas started in 1993 when some well-meaning travelers found unusual horns being sold in Cambodian and Vietnamese markets. The horns resembled no others, with ridges and sharp bends. The people from whom the horns were bought claimed that the horns belonged to a "mysterious forest beast." Excited and giddy with the thrills of discovery, the travelers started to spread the word.

The animal, dubbed *Pseudonovibos Spiralis*, soon hit the fame circuit. It was added to the World Conservation Union list of endangered species. Debates raged about what its closest relatives were — sheep, gazelles, goats? Or was it even more exotic?

When the horns were examined more closely, they were found to have strange marks inside. DNA tests showed the new animal was remarkably similar to the cow. Further research determined that the horns actually were cow horns that had been heated and worked into new shapes.

Apparently producing them is something of a folk industry; the horns are used by locals as an antidote for snakebite.

On an up-note, news is spreading about a new type of salt-tolerant Bactrian camel found in remotest China. I just hope that this news has no connection to remote markets, strange-looking skulls, and old men who swear by it to cure impotence.

— Eric Raetz



**King me** — According to *Brill's Content*, CNN's John King sent a "confidential" e-mail to various top honchos at the faltering cable network to complain about how embarrassed he was that CNN softball schlockmeister Larry King showed coziness with the incoming Bushies. "Today I watched in shame and horror," the e-mail allegedly read, "as Larry King not only was

master of ceremonies at a Bush inaugural event but also as we put him live on the air, first introducing some entertainment, then as he shamelessly rushed on stage to hug the president-elect and entertainer Ricky Martin."

Well. Larry King, though he does sometimes deal with political topics, does not call himself an objective journalist, though he might balk at being called a "fawning celebrity interviewer." The point is, he slobbers all over almost anybody who is prominent or famous (as most journalists in the Imperial City do, though not so obviously). John King seems to have managed to contain his shame and horror when Larry treated Al and Tipper as royalty, and gave any number of Clinton loyalists the kid-glove treatment. He didn't see it as a betrayal of objectivity when CNN's downplaying of various scandals earned it the moniker "Clinton News Network." But the rumor is that John King is planning to leave CNN for ABC, so maybe it was shrewd to establish a

grievance.

It will be interesting to watch this play out. Most Washington journalists view Republicans as a strange and almost inexplicable species whose occasional departures from statist orthodoxy can only be explained by deep-seated racism or some mysterious character defect. But Washington, D.C. journalists love the establishment, worship power, and are especially fond of presidents as a breed. Reagan and the elder Bush, though not treated quite fairly, were mostly treated with respect. How will journalists' inner conflicts play out over the next four years or so? — Alan Bock

**Older, no wiser** — In its March issue, *Reason* treated us to this quotation from Don Feder's "A Libertarian Look at Gun Control," published in its pages 25 years ago: "I oppose gun control for the same reason that I oppose censorship, antimarijuana legislation, or any other victimless crime laws."

Feder has since converted to a theocratic conservatism, so one can't help but wonder if he now supports gun control for the same reason that he now supports "censorship, antimarijuana legislation, or any other victimless crime laws."

— Barry Loberfeld

**The bell swerve** — Another school shooting; another occasion to ponder the disturbing side of our country these days. Generally, I take the position that conservatives overstate the moral irresponsibility of people today — of both parents and their offspring. But these shootings make me wonder. These aren't poor kids suffering from traditional signs of neglect. These are the products of today's affluent society.

Charles Murray recently published an article in *The Wall Street Journal* addressing what he views as moral decay. He cited Eminem, former President Clinton, and a rough-talking player with the Oakland Raiders as examples of our "disintegrating civilization." We are suffering, he says, from "bad language, immoral behavior, and generally objectionable attitudes."

Reading this, I was irritated by Murray's curmudgeonly attitude. While I consider Bill Clinton's behavior (and, more important, the elites' indifference to it) as an illustration of our problems (I don't know much about the Oakland Raiders or Eminem, but he may be right about them, too), it bothered me that Murray should so roundly condemn modern society.

Murray's disenchantment reflects an analytical departure from the trend that he discerned in his famous 1994 book *The Bell Curve* (co-authored with Richard Herrnstein). At that time, Murray thought that the nation was separating into two tiers, one a successful, somewhat fearful, and well-guarded, but morally conscious elite, and the other, a deteriorating underclass. As he says now: "I used to think these contrasting trends foreshadowed a bimodal America, with the elites doing well and the underclass growing."

Today, Murray seems to think that no one is doing well, because the elites are copying the underclass. "Elites throughout the West are twisting in apology for every failing they can concoct, disavowing what is best in their cultures, and imitating what is worst."

I was quite persuaded by Murray's earlier depiction of a

divided nation. It resonated with me because the young elites whom I meet (as visiting fellows and college students) strike me as intelligent, polite, interesting, and eager to learn. Murray's querulousness today troubles me since he is such an important intellectual and proclaimed libertarian.

But, then, Charles Murray is also a father. The latest high school tragedy reminds me that he may be seeing the world through the eyes of a protective parent who is trying to figure out how to ward off the destructive pressures that buffet young people today. Sadly, perhaps this time he is closer to

## Taxes After Bush:

One day in 1989, I got a call from Murray Rothbard. "Would you be willing to serve on the Libertarian Party's platform committee?" he asked. He explained that he had heard that there was going to be a serious effort to rid the platform of its support for abortion rights. Since I was solidly against such a move, he wanted me to help head it off. I'd planned to attend the convention anyway; and I figured I might find the experience interesting. So I agreed. Murray got me appointed to the committee and instructed me to arrive at the convention two days early and report to Bill Evers, who was Murray's field lieutenant for keeping the LP pro-abortion.

Being a member of the platform committee meant spending two days in a windowless room sitting at a table with 15 or so other libertarians wrangling over libertarian minutia. It was pretty tedious, but it had its moments. I got into a spat with Evers, who favored a purely defensive strategy on the abortion issue, hoping to leave the abortion plank unchanged. I figured the best defense was a good offense, and after discussing the issue with other members, I concluded that there were enough pro-choice members to strengthen the plank. When I introduced a measure to do so, Evers glared at me with obvious hostility, but my proposal passed easily.

What I remember most, however, was an argument I got into with virtually every other member of the committee over the proper libertarian approach to tax cuts. At issue was a proposal for the platform to support any tax cut, provided only that it reduced total tax collections, thereby augmenting the platform's opposition to "the elimination of deductions, exemptions, or credits in the spurious name of 'fairness,' 'simplicity,' or alleged 'neutrality to the free market.'" No tax can ever be fair, simple, or neutral to the free market."

While I agreed with the platform's claim that no tax is perfectly neutral, or perfectly simple, or perfectly fair, I believed that some taxes are less unfair than others, some are less complicated than others, some are less unneutral than others, and that we shouldn't dispense with the notions of fairness, simplicity, or neutrality altogether. Indeed, I think that less unfair taxes are preferable to more unfair taxes, that simpler taxes are preferable to more complicated



the mark than he was in 1994.

— Jane Shaw

***They worship not the state*** — No saints were more uniformly honored in the early Christian era than Ste. Perpetua and Ste. Felicity. Whatever one's theological opinion about saints these days, these two women remain outstanding contemporary role models for their courageous defiance of an evil empire.

Perpetua and Felicity were arrested and imprisoned, along with three other Christians, in Roman-ruled Carthage in A.D. 203. Perpetua was a 22-year-old noblewoman with a

son a few months old; Felicity was a slave with a child not yet born. Their crime was defying Emperor Septimius Severus' prohibition of conversions to Christianity.

The account of their martyrdom and courage, *The Suffering of Perpetua and Felicity*, is one of the earliest historical accounts of Christianity, and one of the most feminist. Read in African churches for the next several centuries, it was treated as nearly equivalent to scripture. (A full English translation appears in Musurillo's *The Acts of the Christian Martyrs* [Oxford, 1972]; Butler's unabridged *Lives of the Saints*

## Still Too Compulsory, Too High, and Too Unfair

taxes, and that more nearly neutral taxes are preferable to less neutral taxes. Also, it seemed to me that the proposal that Libertarians commit themselves in advance to support any measure that reduces total taxation was just plain nuts.

"Suppose," I said, "Congress has before it a proposal to reduce the taxes of every American by \$1, while at the same time increasing taxes on members of the Libertarian Party by \$1,000 each. The first provision of the measure would reduce total taxation by about \$250 million, while the second would increase tax revenue by about \$110 million. This would leave a net tax reduction of about \$140 million. Would you want to support this measure?"

Everyone in the room got upset by my question. "Congress would never pass such a law," someone sputtered. "It would be unconstitutional," said another. "It would never happen in a million years," chimed in yet another. "True enough," I said, "but irrelevant. If a single member of Congress were to introduce such a measure, you'd oblige the Libertarian Party to support it."

Most of us libertarians love easy-to-follow rules of thumb almost as much as we love liberty, so my argument went nowhere. I suspect I may be the only person who even remembers it.

I remember it because it illustrates, to me at least, the fact that even if one grants that all taxes are wrong or harmful, one should still recognize that some taxes are worse or more harmful than others. Being libertarians does not absolve us entirely from thinking.

A few days ago, President Bush's proposed tax cut passed in the House. It seems likely to pass in the Senate. Of course, I believe that the government takes a scandalous amount of money from its subjects, and any measure that proposes to cut taxes by a trillion dollars sounds pretty good to me.

But this one only sounds *pretty* good.

There are three things bad about our tax system.\* It is

\*From the perspective of simon-pure libertarians, I am a grievous heretic: I am willing to accept the propriety of some taxes. I'd be happy to support a proposal to abolish all federal taxes but the income tax and to cap the income tax at one-half of one percent. Readers who want to denounce me for this heresy should send their comments to [theholynquisition@libertysoft.com](mailto:theholynquisition@libertysoft.com).

compulsory, it takes way, way too much money from people, and it is unfair. Not surprisingly, Bush's proposed tax cut fails to address the problem of compulsion. It does address the problem of taking way too much money, though it doesn't go nearly far enough, to put it mildly. It fails egregiously to address the problem of the inequity of taxes. In fact, it would make the tax system more unfair than it is right now. It would reduce the rate for the lowest income bracket from 18% to 10%, a reduction of about 45%. It would cut the rate for the highest income bracket from 39.6% to 33%, a reduction of only 17% — leaving the system more "progressive," in the language of leftists, than before.

It would leave us with a take that is much less flat tax than Reagan originally proposed. His plan had only two rates, 18% and 28%. In Bush's scheme, high-income families would pay 17% more than Reagan proposed, while low income families would pay 45% less.

Curiously, because of the way the Democrats have spun the issue, virtually no one is aware of this. Democrats (and their pals in the media) harp on the fact that the relatively wealthy would save more, in absolute dollar amounts, than the relatively poor. Big deal. What this means is that someone making around \$100,000 per year might save \$5,000 or so per year, while someone earning \$10,000 might save only \$750 per year. Of course, the \$100,000 earner will still pay around \$30,000 per year for the same government services for which the \$10,000 earner will pay \$1,000 or less.

So what's the bottom line? Is the Bush tax cut a good thing? To answer the question, we have to go somewhere that libertarians usually fear to tread: we have to go to the slippery slope. The ideal law — one that would abolish all taxes entirely, or at least reduce them by an extremely radical amount, while preventing their getting any more unfair than they already are — is not an option at this time. But I don't see that as a reason for libertarians to stand by passively or avoid formulating an opinion of Bush's proposal.

To me, the size of the cut seems substantial enough to outweigh the harm done by making taxes more unfair. When the cut is enacted, I will be pleased. I will not be very pleased. But I will be pleased. And I will have one more pleasure in my life than some of my libertarian friends.

— R.W. Bradford

contains lengthy excerpts.) While the five (along with their instructor in faith) were being held awaiting execution, Perpetua's father urged his favorite child to save her life and the life of her baby by renouncing her faith. "Father," she answered, "do you see this vessel — waterpot or whatever it may be? . . . Can it be called by any other name than what it is?"

"No," he replied.

"So also I cannot call myself by any other name than what I am — a Christian."

At a trial shortly thereafter, Perpetua refused to offer a sacrifice for the prosperity of the emperors. When the court asked "Are you a Christian?" she answered, "Yes, I am," thereby condemning herself to death.

A few days before the festival games, at which the martyrs would face wild beasts in the coliseum, Perpetua had a dream in which she was transformed into a man, and engaged in unarmed combat with an Egyptian (signifying the devil). "I was lifted up into the air and began to strike him as one who no longer trod the earth . . . I caught hold of his head and he fell upon his face; and I trod on his head," she dreamt. The other captives also had visions which fortified their courage.

Felicity, meanwhile, had been afraid that she would not suffer with the rest, because Roman law forbade the execution of pregnant women. In answer to her prayers, her child was born while she was in prison, and was promptly adopted by a Christian couple.

Perpetua had managed to convert their jailer to Christianity, and so the captives were treated well in their final days.

The prisoners turned their last meal into an agape, a love feast, and spoke of the joy of their own sufferings — thereby astonishing most witnesses and converting some.

When the day of the games arrived, Perpetua and Felicity went to the amphitheater "joyfully, as though they were on their way to heaven," as Perpetua sang a psalm of triumph. The guards attempted to force the captives to wear robes consecrated to Roman gods, but Perpetua resisted so fiercely that they were allowed to wear their own clothes. The three male martyrs enraged the audience, including the procurator who had condemned them, by threatening them with the judgment of God.

One of the men, Saturnius, although prepared for martyrdom, was terrified of bears. Saturnius was first exposed to a wild boar, which turned upon its keeper, and promptly killed him. Saturnius was then tied up, and exposed to a bear, which refused to come out of its den. As Saturnius had hoped, he was quickly killed by a single bite from a leopard. Dying, he told his newly converted jailer, "Farewell: keep the faith and me in mind, and let these things not confound but confirm you."

A wild heifer was sent against the women. The heifer tossed Perpetua, who got up, straightened her hair, and helped Felicity regain her feet. Absorbed in ecstasy, Perpetua was unaware that she had been thrown, and did not believe it until Felicity showed her the marks on her body.

Having survived the animals, the women were to be executed. They exchanged a final kiss of peace. A nervous gladiator tried to kill Perpetua, but failed to finish the job until she guided the knife to her throat. "Perhaps so great a woman . . . could not else have been slain except she willed it," the Passion observes.

Although the execution in the coliseum was intended as entertainment, and enjoyed as such by most of the jeering crowd, some of the spectators, inspired by the martyrs' fearlessness, became converts. These spectators were not the last people who would be encouraged by Perpetua and Felicity, who, even at the cost of their lives, worshipped God and not the state. They are celebrated on March 7. — Dave Kopel

**Embarrassment of riches** — A Feb. 23rd ABC News report seriously addressed the issue of how the brothers of former Presidents Bill and Hillary embarrassed the first family in their rush to peddle influence over presidential pardons in Clinton's final days. Does anyone believe that the former first couple is capable of embarrassment or shame?

And who could believe that Bill and Hillary are the ones in a position to be embarrassed by the behavior of others?

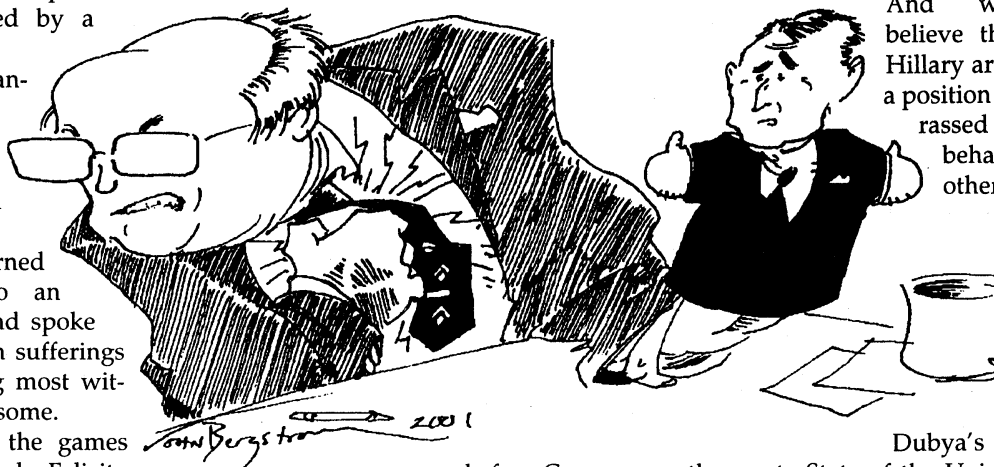
— Clark Stooksbury

**Partial refund**

— All in all,

Dubya's first speech before Congress — the ersatz State of the Union? — was a mildly constructive agenda and politically realistic, given how closely divided Congress is. But Bush cannot escape the contradictions inherent in a proposal that will increase government spending rather than even trying to reduce it.

He talked of honoring local control of schools while promising to raise federal spending and promising nationally mandated annual tests and accountability. But that accountability will be to the national government, not to local school boards — and especially not to the individual needs of students, which vary radically. You can't have both more accountability to the feds and more local control. Like most politicians, he's obviously counting on the fact that government schools don't make the teaching of logic a high priority. He offered a more limited taxpayer-paid Medicare prescription drug benefit than the Democrats want, but a limited government program almost inevitably grows toward universal entitlement.



He stressed faith-based charitable programs without seeming to be aware of the threat to religious independence inherent in taking the king's shilling.

His tax cut proposal, given the political climate, might be as large as is feasible. But he couldn't resist the "that surplus belongs to the people, not the government" applause line. Then he proposed that the government keep three-quarters of it.

— Alan Bock

***Just when you thought it was over, over there*** — Benjamin Franklin stated it famously in 1789: "Nothing is certain except death and taxes."

True enough, old Ben wasn't talking about those two things happening simultaneously, as is the case with today's estate tax. It was nearly a decade after Franklin said those words that the first estate tax appeared in America, and then only as a temporary measure to fund the Navy. Within five years, it was repealed.

The estate tax made its comeback, again as a temporary measure, during the Civil and Spanish-American Wars, only to disappear soon after peace broke out. It made yet another comeback in 1916, as a temporary measure to help finance World War I.

Apparently, "temporary" taxes don't vanish as easily as they once did. Here we are, some 83 years after the end of World War I, still arguing about the repeal of a tax that was enacted to help knock out Kaiser Bill.

By now, the arguments about it are familiar. Those for the estate tax say its repeal would be a "giveaway to the rich" that would cut charitable contributions, spawn a moneyed aristocracy, and strip the government of needed funds. Those in favor of repeal say the "death tax" robs families, destroys farms and small businesses, kills jobs, and holds back economic growth.

Let's start with four basic points.

First, the United States has the second highest estate tax rate in the industrialized world. The top federal rate of 55% exceeds the highest rates in even the most socialized economies of Western Europe: a top rate of 40% in France and England, 30% in Sweden and Germany, 25% in Italy, and 15% in Denmark. In Canada and Mexico, the estate tax is zero, as it is in most nations. On the books, only Japan outshines the United States with its 70% rate, but liberal exemptions drop the actual percentage to about half the U.S. rate.

The estate tax raises just 1% of federal revenues — and less than that in net terms. For every dollar of estate taxes the IRS collects, it spends 65¢ administering the tax and wrangling with heirs in court. Including the decrease in federal receipts from income and payroll taxes that the estate tax's stifling of economic growth causes, the net revenue to the federal government may well fall below zero.

"The key domestic economic policy problem of this country," says Federal Reserve System Chairman Alan Greenspan, is the pint-sized U.S. savings rate, a condition that raises the cost of capital, impedes investment, reduces profits, endangers U.S. competitiveness in international markets, hinders productivity, and slows the growth of personal income. The estate tax certainly discourages people from saving their money.

The estate tax makes it tougher for America's small-

business community, the key growth sector in today's economy, to expand their operations and employment, increase wages and benefits, or even survive into the second generation. The situation described by David Ruff, owner of Morrilton Packing Company in Morrilton, Ark., is typical: "I have acquired \$3,000,000 of life insurance to pay estate taxes at my death. To pay the premiums costs my business \$100,000 per year. Simple math — \$1,000,000 every 10 years just to pay life insurance premiums. This is money that could be used to improve our competitiveness or improve benefits for my 65 employees."

The bottom line? For entrepreneurs like David Ruff, it's a matter of watching money that could be used to make his business grow and create jobs being transferred to federal coffers, legal fees, and insurance premiums. For Ruff's

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*For every dollar of estate taxes the IRS collects, it spends 65¢ administering the tax and wrangling with heirs in court.*

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employees, it translates into fewer raises and less job security.

In a macroeconomic sense, the estate tax cuts the national savings rate by creating a bias in favor of consumption over savings, a bias at the top for more diamonds and less business expansion, especially in the small-business sector, which is the nation's chief engine for job creation.

It's the same story with the proposed across-the-board cuts in federal income tax rates. "With 90% of businesses paying taxes as individuals, rate relief will affect small businesses of all income levels," says Karen Kerrigan, chairman of the Small Business Survival Committee. "This is money they can use to get through the potentially tough times ahead and reinvest in their businesses and workforce."

In the end, the battle over the estate tax is about recognizing that jobs, income, and wealth aren't created on Capitol Hill, and recognizing that the upward mobility of labor is primarily linked to the expansion of capital, not to the expansion of government.

As Henry David Thoreau put it more than a century ago: "Government never furthered any enterprise but by the alacrity with which it got out of the way." — Ralph R. Reiland

***Things scientists say*** — According to a paper published in *Science* in February, the human genome contains far fewer genes than previously expected; until then, the books generally put their guess at 100,000. More recent suggestions put that number far lower. Now the answer appears to be somewhere around 30,000.

This is interesting for two reasons. First, it puts a bit of a spoke in the wheel of those who would argue that our behavior is genetically determined. This doesn't disprove that theory, certainly, but it does narrow down the field of how much genes can control. Secondly, it shows something about numbers, and how much our society unquestioningly accepts from the mouthings of "scientists."

The 100,000 number was not an estimation, it wasn't even

really a guess; it was simply made up. Scientists even set up betting pools on what the final number would be. Nobel-Prize-winning physicist Richard Feynman ran into the same problem while investigating the Challenger explosion. Engineers at NASA told him that the space shuttle had a failure probability of 1 in 100,000. "I tried to make sense of that number," he later wrote. "That means you could fly the shuttle every day for an average of 300 years before accidents — every day, one flight, for 300 years — which is obviously crazy."

Similarly, the estimation of the number of genes was wholly invented: there were no reliable guides for making such an estimate. Yet newspapers, books, and even some genuine geneticists dutifully repeated the 100,000 figure. This points to a great weakness in our culture. We suffer from quack science which the media faithfully repeat with little or no investigation (and usually hidden behind an anonymous "scientists say"). Clever lobbying groups, like the National Resources Defense Council, exploit this with their reports on Alar or cell phones causing cancer. And to a populace which has attended public schools, and are thus utterly uneducated, such periodic blasts of concentrated panic are always fresh and urgent justifications for growing government even more.

— Timothy Sandefur

**The black hole in South America** — Early in March, Colombian President Andres Pastrana came to Washington, D.C. to ask President Bush to pledge more aid to Colombia, in addition to the \$1.3 billion in mostly military aid the U.S. already gives to fight against coca production, manufacturing, and smuggling. The administration is said to be considering aid to Ecuador, Bolivia, and Peru, whose governments had previously expressed doubt about American involvement in Colombia's drug war, which is supposed to be separate from, but is inextricably linked to, Colombia's civil war.

Before this involvement becomes so intense that it becomes a matter of not wanting to look as if the mighty indispensable superpower is backing down, the Bush administration should take a hard-nosed, skeptical look at U.S. intervention in Colombia. The likelihood of our playing a constructive role is so low, and the risk of failure is so high, that prudence would suggest ending the U.S. commitment in Colombia.

The current civil war in Colombia has its roots in the 1940s, when a ten-year war called *La Violencia* followed the split of the two main parties. The conflict simmered at a low level for years, then gained new energy in the 1980s when Colombia emerged as a leading producer of coca and cocaine. Leftist guerrillas, and then rightist paramilitaries, offered to protect cocaine traffickers for a share of the profits, and the drug-trade money has made it possible for all sides to escalate the violence.

The notion that the United States can help the Colombian government eradicate cocaine trafficking without becoming embroiled in the ongoing civil war is naive at best. The U.S. might hope to play a strictly advisory role, but U.S. forces are more likely to be drawn in or targeted the longer the United States is an active player.

The most sensible way to take the profit out of the drug trade and the steam out of Colombia's civil war would be to

end the War on Drugs, but the U.S. government isn't likely to do so anytime soon. But it should think long and hard before increasing a commitment to a conflict that must eventually be settled by those participating in it, not through the all-wise intervention of Uncle Sam.

— Alan Bock

**A cabinet that looks like America** — Only people with certain sensitivities, perhaps cultivated too long, would notice that none of President Bush's top appointees is Jewish. That's none, nada, zip. OK, perhaps he is justified in "writing off" the Jewish vote, which reportedly didn't support him. Perhaps, as well, some Jews are justified in dismissing him, with anxiety if not with horror.

Some years ago, a friend who invested in the common stock of provincial banks had a firm rule: avoid those with no Jews on their boards of directors. His reasoning was not that Jews are geniuses — they aren't — but that anti-Semites are jerks who would let stupid, backass prejudices get in the way of doing business. Perhaps the greatest current tragedy is that he (I, we) can't sell the Bush administration short.

An Italian-American friend of mine noticed that the only Bushleaguers whose names end in a vowel are Paige and Rice. When invited there to eat, may I recommend bringing your own food.

Caveat emptor.

— Richard Kostelanetz

**Intelligence, who needs it?** — Well, they caught another American spy who turned out to have been working for the Russians. Robert P. Hanssen, a 27-year FBI veteran who had been working in counterintelligence (!) at FBI headquarters (!) has been nailed and jailed. U.S. intelligence officials are publicly concerned that Hanssen managed, for more than 15 years, to pass extremely important and sensitive information to the Soviets and post-Soviet Russians.

But does it really matter? Although you hear from time to time that U.S. spies have scored major espionage coups over the years that just can't be acknowledged publicly for national security reasons, most of the public evidence is that the Soviets, and now the Russians, are a bit better at the dark arts than Americans. Assuming that this is so, what difference did it make in the real world? In the real world, which system collapsed in a puddle of recrimination and misunderstanding, and which muddled through? In the real world, which system has become — for better or worse — the sole remaining superpower, and which struggles for a speck of respect as alcoholism rates rise, criminal activity abounds, and birth rates decline?

Could it be that openness, especially about information and communication, are actually survival traits in the great game? I don't contend that the United States is the model of openness I would like to see it be, but compared to the old Soviet Union and the new Russia, it is still delightfully leaky and wackily open-doored. And that openness, such as it is, is part of its strength as a society.

They don't get it at the top, where they still classify anything that doesn't move, and revel in knowing insignificant things other people don't know. The prosecutor assigned to deal with Hanssen has already lamented that he might have trouble building an airtight case because doing so would involve revealing some of the secrets he passed to the

Russians, and that would be bad. But by definition, if Hanssen passed the information to the Russians, so that our potential adversaries already know them, the only folks still left in the dark are the American citizens and taxpayers who paid to develop, and then to classify, those secrets so the Russians would value them enough to slip a few diamonds Robert Hanssen's way.

— Alan Bock

***The evolution of the Spectator*** — When I heard that *The American Spectator* had been bought by George Gilder, I looked forward to the next issue, expecting there might be some improvement. I was mortified to find that January's issue was instead chiefly distinguished by its attacks on Darwinian biology, written by Tom Bethell (a normally levelheaded conservative writer) and Jonathan Wells (a biologist and author of a recent book attacking evolution, which I haven't yet read). There were reverberations of this anti-Darwinian theme in the February issue.

Without attempting here to answer Bethell's and Wells' arguments, I offer a couple of broad observations on their general approach.

First, the articles are written without divulging the author's position. Do they accept that evolution, a gradual unfolding of changing lifeforms over millions of years, did in fact occur, and do they merely contend that the standard neo-Darwinist account is not the whole story of how it occurred? Or do they favor something closer to the biblical theory, in which God separately created all the various kinds of living organisms on successive "days"? (Hints in the text point in both directions, but, on balance, decidedly to the second alternative.)

It's understandable that, as a matter of propaganda technique, Bethell and Wells would want to keep adherents of both these positions on their side. Yet that coy ploy is confusing because arguments about the first position are utterly different from arguments about the second. Anent the second position, we can point to the fossil record, which clearly indicates cumulative changes in some organisms over millions of years. For instance, fossils reveal the development of the modern horse from a toed — not hoofed — animal no bigger than a skunk.

Fossils also show the existence of some transitional forms or "links," such as *Archaeopteryx*, a flying lizard with feathers which flapped around 150 million years ago. Although many "links" are "missing," as we would expect, even one well-attested transitional form rules out special creation of all distinct "kinds" of living things. Years ago, I heard creationists ridiculing the theory that whales were descended from land mammals, and triumphantly pointing to the total absence of direct evidence that there had ever been whales with feet. Lo and behold, a few years ago, fossils of whales with feet were found.

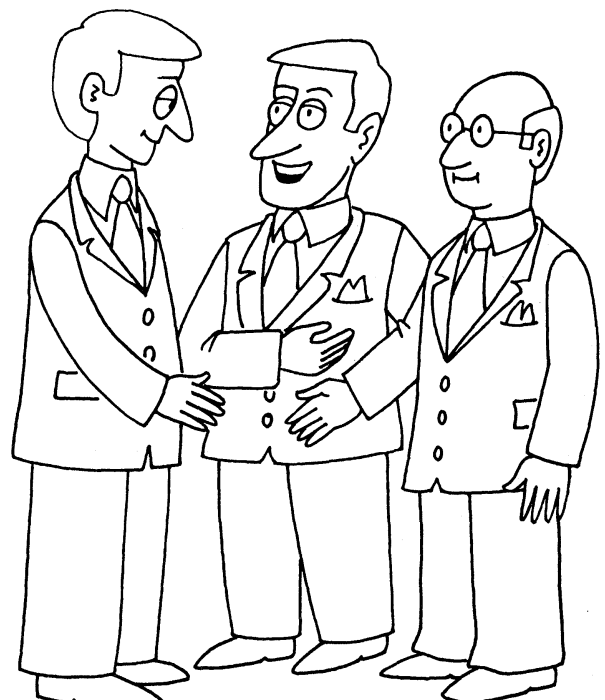
It's also worth mentioning that modern genetics corroborates the evolution story. All plants and animals have the same mechanism of heredity and could be related. If they are not related, this is a baffling feature which indicates a creator of very limited imagination, or perhaps a malicious prankster who deliberately wanted to leave a false trail of living things having evolved, junk DNA and all.

My other observation is that these authors focus on arguments which are peripheral rather than central. Like most

creationists, they spend a lot of their time attacking the claim that the embryos of different species often (to some extent, and with many exceptions) recapitulate their evolutionary history. But this claim is far from being a cornerstone of evolutionary theory, and books marshalling the evidence for neo-Darwinism rarely devote more than a page or two to it. What Wells calls "pillars" of Darwinian theory (embryological recapitulation, the peppered moth, Darwin's finches) may reasonably be termed pillars of the teaching of Darwinian theory, but are certainly not pillars of the theory itself.

Wells maintains that charts in biology textbooks displaying the embryological development of different animals to show their apparent similarities are erroneous and misleading. Doubtless, this is true. As historians of science have complained, it's a general feature of American science teaching that the currently accepted theory (the one we all know had to win because it's right) is favored by distortion and misleading presentation, to make its truth seem more obvious and simple. Anomalies and difficulties are downplayed or ignored. The essentially speculative, argumentative, messy, and open-ended aspect of science is concealed from students. This unfortunate situation is not peculiar to biology but applies to many areas of science teaching.

Another instance of focus on the peripheral is the amount of space devoted to the origin of life, a wide open field of competing guesses with very little agreement. Fundamentally different theories are entertained by leading experts. This is worlds removed from, say, the story of the emergence of humans from earlier primates, where there is some controversy about details alongside a large measure of unanimity. (Wells addresses the evidence for human evolution by piling on to the Piltdown forgery! Is this an attempt to insinuate that Louis Leakey and Donald Johanson are frauds too?)



"Harry Krishna, Harry Rama. Harry Rama, Harry Krishna."



I've just got hold of the March issue of the *Spectator*. The Gilder touch is at last in evidence. There are some excellent articles, a good number of fine cartoons, and no anti-Darwinism. Hopefully the January and February issues represent a transitional evolutionary form which, like many such, will slide through the cracks in the fossil record.

— David Ramsay Steele

### ***Avoid stress, exertion, and flexing your military muscles***

— Can anyone get to Dick Cheney's doctor? Heart patients are supposed to avoid potentially stressful situations. If Cheney's doctor could make a point of reminding him that getting the United States involved in a foreign conflict is a notably stressful situation, and just might be too much for the old Cheney ticker, it might be the best possible advice for the vice president's health. And for the country's.

— Alan Bock

***What you talking 'bout, Willie?*** — At the recent NAACP Black Entertainer awards, Bill Clinton repeated his claim to be the "First Black President." Although I'm pretty sure he was being facetious, the remark has been taken seriously enough in some circles for me to make a comment or two.

I don't understand why black Americans wouldn't take umbrage to such a remark. On the surface, Bill Clinton seems to be a Southern White Cracker Democrat, the same kind that would have probably been sitting on schoolhouse steps right alongside George Wallace. So it must be something else, but what?

His most famous acts as president were cheating on his wife and defending himself against charges of sexual harassment and rape, but I don't think the NAACP thinks that kind of activity would make him appear black. His saxophone skills were downright Caucasian, and his lavish lifestyle with state dinners, limousines, and a private 747 seems familiar to very few African Americans. According to testimony by both Paula Jones and Monica Lewinsky, the other myth doesn't apply either.

That only leaves the fact that he lived in public housing, held only government jobs, was a crummy tipper, and

walked out of the White House with everything that wasn't nailed down.

— Tim Slagle

***The King's shilling, the King's men*** — It sounds so commonsensical, so attractive, so logical, so effectively compassionate. Private charities, especially faith-based charities, are almost always more effective, especially in terms of bang for the buck, at getting real help to people who really need it with limited resources, than government programs.

So why not channel government efforts to help people through faith-based charities, or at least make them eligible for government grants on an equal basis with secular institutions? What could be wrong with that? Unfortunately for President Bush, who has pinned much of his "compassionate conservative" agenda on a White House Office of Faith-Based Initiatives, almost everything is wrong with that.

As Michael Tanner, Director of Health and Welfare

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***Government money will also divert charities from their original missions and toward the priorities of the national government.***

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Studies at the Cato Institute put it, the president's proposal "risks destroying the very things that make private charity so effective." Among the dangers is that organizations whose mission is to get people off the dole and ready for independent self-reliance may themselves be put on the dole, increasingly dependent on and beholden to the federal government.

Take Bush at his word, that he wants to channel money to effective philanthropic organizations with a minimum of red tape. Forget those leftist cynics who see it as a way to reward faithful political supporters and create new ones beholden to him, especially among black churches. But don't forget that government grants always come with standards and regulations, and with some justification; they are intended to assure quality control and accountability for the use of the taxpayers' money. The price of getting "free" government money will be time spent filling out forms rather than helping people.

Government money will also divert charities from their original missions and toward the priorities of the national government. Thus the closeness to the community that characterizes so many effective philanthropic organizations will be eroded over time.

Some religious charitable activities are effective precisely because they involve a certain amount of proselytizing or imposing their values on recipients. Recipients have to listen to sermons or lectures and are told that turning their lives around is more important than receiving or even earning material goods.

Should taxpayers be paying religious organizations to deliver sectarian messages? If not, will tax money (accompanied almost certainly by lawsuits and controversy) force religious organizations to tone down the religious content of their charitable activities? Might this vitiate their

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effectiveness?

The essence of private charity is its voluntary nature, with people helping one another because of altruistic feelings, love of neighbor, or respect for a religious authority that tells them to help the poor and the prisoners.

Taxes, on the other hand, are seized forcibly.

He who takes the king's shilling becomes the king's man. Far from strengthening independent and faith-based philanthropy, putting religious organizations on the dole will weaken them and undermine most of the reasons for their relative effectiveness.

— Alan Bock

***¡Hasta la vista, Governor Gris!*** — Rumor (and the Fox News Channel) has it that Arnold Schwarzenegger has been approached with the suggestion that he run for governor of California. It would certainly be a welcome refreshment from the mesmerizingly dull — but perfectly named — Gray Davis. Silly as it sounds, Ah-nuld might not be the worst choice. (The worst choice would be Davis, and he's already governor.)

Californians have always sought a genial character and accessible personality. Ronald Reagan, Jerry Brown, and Pete Wilson were decently interesting personalities, whatever their other qualities. Out-of-staters may find it hard to believe, but even Gray Davis was a more accessible personality than the smug and distant Dan Lungren, who ran against him. And, as they say, one out of every three Republican actors in Hollywood becomes president. — Timothy Sandefur

### ***Caution: Newsweek has determined that freedom is harmful to your health***

— In a recent *Newsweek* article, Dr. Stephen Bezruchka, of the University of Washington, argued that American health statistics fall behind those of other industrial nations because of the "size of the gap between the rich and poor [in America]." Because other nations are "more egalitarian," those other nations have fewer health problems — problems caused by the "hierarchical structure of [our] society." That hierarchy causes feelings of "power, domination, coercion (if you are on top); resignation, resentment and submission (if you are on the bottom.) Compare [these feelings] with the feelings in an egalitarian environment: support, friendship, cooperation, and sociability." Bezruchka goes on to cite studies of baboons in Kenya, and to note that more men die of heart attacks in Lithuania than in Sweden, "which is much more egalitarian."

Perhaps — and perhaps the two nations have different traditional diets, different geographies, different social mores, for example, with regard to smoking, and of course, different genes. Japan's average life expectancy is higher than that of Americans — why? Not the radical difference in food choice, but because "during their recent economic crisis, CEOs and managers in Japan took cuts in pay rather than lay off workers."

Of course, Bezruchka is silent about the fact that suicide rates in Japan have skyrocketed in recent years, but then, he's silent about a lot of things. Like the fact that one big reason for the difference in life expectancy is the plentiful supply of cheap food in America — or the fact that (precisely because of our inequalities of wealth) other nations have

enough to eat because of American exports of food and food producing technologies. In fact, many of those wealthy foreigners have their health problems taken care of here, in the United States, which certainly throws a wrench in Bezruchka's statistics.

He compares the death rates of Lithuanian men to those of Swedish men, without comparing other societies — what about the comparative statistics of wealthy Virginians with wealthy Tennesseans? Or of Americans with the more "egalitarian" Canadians? To compare the rich in one country with the poor in another would, of course, throw off the statistics, since poor people in general are always less well-off. And how exactly will disparity of wealth in and of itself be a greater health problem than the poorer nutrition, lower education, unclean habitations, and other problems the poor face? The poor have more children, fewer vaccinations, and less access to leisure and exercise. They don't go to the physician until they have to, and then they go to bad hospitals — that is to say, government-run hospitals, like those run by the Veteran's Administration. These problems are much more to blame than Marxian notions of "alienation," or Naderite fears over the psychological effects of "consumerism." Bezruchka's article is not just another example of a leftist masquerading his politics as science — and unskillfully at that — but is another example of the unshakeable liberal (and increasingly conservative — see "Why Conservatives Oppose Progress," *Liberty*, March) belief that the nasty old industrial revolution obliterated the lovely prelapsarian paradise which only socialist utopianism can restore.

I'm not making this up — Bezruchka even claims that "human populations were relatively healthy before the advent of agriculture." Agriculture brought with it the hierarchical social structure, he says, and "with agriculture, health declined, nutrition worsened, and workload increased." Well, I suppose we should all stop eating our veggies!

Of course, he is half right. Agricultural peoples are settled in one place, and must deal with sewage and waste, more confined living areas (increasing the opportunities to spread disease), or attacks by raiders who want a more equal

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distribution of wealth — problems less pressing in nomad society. More babies survive infancy in an agricultural society, and thus are around to catch diseases they otherwise wouldn't. But to suggest that mankind was healthier ten thousand years before the polio vaccine, the germ theory of disease, or even aspirin, is so misleading as to strip Dr. Bezruchka of all credibility and reveal him for what he is: another leftist with an ax to grind — under the pretext of science.

— Timothy Sandefur

**Shake your premises** — It happened again, as it always does. Every time there's a major earthquake in the United States, some TV reporter produces a two-minute spot

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*It may well be rational just to accept the risk and allocate the money you might have frittered away on earthquake protection to ten years of Seattle Opera tickets.*

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exhibiting the benefits of having your building reinforced against earthquakes.

This time, the camera showed an edifice that looked quite badly knocked about. The reporter told us that it would have to be completely razed. Then the camera showed us a second building, with some serious-looking cracks in its brick walls. This building, we were assured, could be put right, because the owner had had it "retrofitted" — reinforced against earthquake damage.

The reporter's conclusion was inevitable. It would be foolish not to lay out the expenditure for earthquake-protection of buildings. Convinced?

Let's be charitable and stipulate that this reporter could find no retrofitted buildings which were write-offs and no non-retrofitted buildings which could be rehabilitated; also, that the written-off building wasn't just closer to the fault line. In other words, let's grant that retrofitting does substantially reduce the risk of a building's being irreparably damaged by a major earthquake, should there happen to be a major earthquake.

What was the cost of the retrofitting? How long ago was it done (how much interest has accumulated on that outlay)? What were the odds that this particular building would be damaged? How many buildings were damaged in the whole afflicted area as a fraction of those undamaged? How often do serious earthquakes happen around here? How much will it cost to put the retrofitted building back into working order? What will it cost to erect a new building where the written-off one now stands? And, earthquakes aside, how long will either of these buildings last before they're demolished for some other reason?

Until we know the answers to these questions, no case has been made for spending appreciable sums to reinforce existing buildings against the hazard of future earthquake damage. It may well be rational just to accept the risk and allocate the money you might have frittered away on earthquake protection to ten years of Seattle Opera tickets. The

Seattle Opera, they tell me, just gets better and better.

— David Ramsay Steele

**Dale Earnhardt, RIP** — The death of NASCAR legend, Dale Earnhardt had an almost cinematic quality. Imagine on the final lap of the biggest event of the year, the sport's biggest star slams into the wall and dies instantly as two cars that he owns — one driven by his son — finish 1-2.

The death has been big news. Earnhardt's is perhaps the biggest celebrity death since JFK Jr.'s and it has drawn notice from quarters that don't usually pay attention to stock car racing. The network news shows, *The New York Times* and smarty-pants e-zines *Slate* and *Salon* all took note.

Salon published a snide report (do they do any other kind?) by *The Wall Street Journal* sports columnist, Allen Barra. Barra went out of his way to be dismissive of NASCAR's "almost exclusively white" fans who "don't read," while explaining how little he cared about the death of Earnhardt. The main point of Barra's article is a valid one, however snottily delivered. He doesn't care about Earnhardt's death, and I'm glad. Among the many hundreds of my pet peeves is the modern habit of focusing on distant matters, exemplified by the vacuous public obsession with celebrities. When a Princess Diana or a John-John Kennedy dies prematurely, it is tragic for their family and friends, but in a healthy society the deaths of people famous only for being famous would be of little note to anyone else.

Dale Earnhardt was different. Unlike the former Princess of Wales and the president's son, The Intimidator, as he was known, had a life filled with genuine accomplishment. He rose from humble beginnings to the top of a dangerous and demanding profession. He won the NASCAR Winston Cup Championship a record-tying seven times in his career and was awarded over \$40 million in prize money. He was also a successful race car owner. But his death does not affect everybody equally. Although it has come closer to the national mainstream in the past few years, NASCAR is still substantially a regional phenomenon. Half of the Winston Cup Series' races are in Alabama, Georgia, north Florida, North Carolina, South Carolina, Tennessee, and Virginia. I assume that most of the grieving Earnhardt fans are in that area.

Allen Barra dismisses auto racing as having no "tradition that was there before [him] and will be there after [him]." He couldn't be more wrong (or more arrogant for assuming that his life is some sort of measuring point). Stock car racing is a young sport, but it has a rich tradition. It evolved from the exploits of those heroic hillbillies who earned their keep evading treasury agents (revenueurs) to avoid paying federal taxes on moonshine liquor. Junior Johnson, one of the sport's early stars and most successful owners, did time in the '50s for running moonshine. In a time when the sport is becoming ever more slick and corporate, Earnhardt was a throw-back to the old days. He played a little rough at times, bumping people out of his way when necessary. On the last day of his life, he found the presence of mind to extend the middle finger of friendship to a fellow driver giving him difficulties while driving at 180 mph. He became larger than life in a sport filled with heroic figures. One commentator aptly called him NASCAR's John Wayne.

You may not miss him, and that's OK with me. But I sure will.

— Clark Stooksbury

# Rats and Moles

*by Frank Fox*

Why America takes a back seat to Russia when it comes to espionage.

The question that needs to be answered about spying is not why it goes on, but why we don't do it as well as others do. In particular, why don't we do it as well as the Russians, who seem to lack money for everything except espionage? What is it about Russia that has enabled it to enlist such dedicated betrayers?

The arrest of the FBI agent Robert Philip Hanssen and the earlier apprehension of Aldrich Hazen Ames of the CIA give this question added urgency. Defining deviancy downward (in Sen. Moynihan's memorable alliteration) is as obvious a fact of life in spying as in everything else. Hanssen's and Ames' casual treason over the years, and the almost comedic ineptitude of their superiors, may be proof that in this post-ideological period the human material is inferior. But this is of small comfort. It is doubly worrisome to be betrayed by fools.

Russians may have failed at almost everything in their long history, but they have always had a keen insight into psychology. Their literature and history are filled with characters who lead bifurcated lives. What other country could have coined the phrase "useful idiots" to describe individuals who could be made to serve a country dedicated to weakening their own? The Russian state, whether ruled by czar, commissar, or Vladimir Putin, has maintained its traditional penchant for secrecy and espionage. Since 1917, Communist calls for worldwide revolution and Russia's attempts at subversion have raised the level of paranoia to a pitch seldom seen elsewhere. As Western intelligence services tried without success to isolate the Communist power, Russia sharpened its tools for spying.

America, which emerged from World War I as the undisputed world leader, continued to lag behind in mastering the chessboard of international intrigue. As a society dedicated

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to openness and gossip, secure in the safety vouchsafed her by geography, and not particularly interested in the languages and the cultures of others, America was clearly at a disadvantage. Even the foundations she laid for increasing participation in the game of nations and her successes in cryptography and pioneering efforts in aerial photography did not make up for the less than spectacular successes of her agents. A deceptive strategy that was natural for a society accustomed to the psychological intricacies of a Dostoevsky plot was beyond the imagination (and capability) of American intelligence services.

The struggle against Hitler provided further evidence of Russia's skillful use of espionage and double agents. While it may not be possible to know for certain whether such Western spies as Kim Philby and others were motivated by love of communism or hatred of Western democracies, there is no question of the enormous damage they inflicted through their betrayals. The spectacular exploits of Hanssen (who claims to have been influenced by Philby's book when he was 14!) remind us once again of the activities of Ames at the CIA, an earlier embarrassment to our intelligence services.

On July 28, 1994, a reporter gave an account of a jailhouse interview with Ames. Such interviews have elicited the sort of answers that we have come to expect from those who spy. Influence of family members — both Philby's and Ames' fathers had a history as spies — plus a desire for money, sex,

and fame come to mind. But in the course of the interview, Ames revealed something about his motives that has not been sufficiently analyzed. He said he wanted to "level the playing field" between a "decaying Moscow and a dominant Washington." He became convinced that the United States, contrary to all impressions, was not facing a mortal danger at the hands of Soviet leadership, that the struggle was a "charade" since "we had cleaned their clock." He told the reporter that the Soviet leaders were in more danger from their own inefficiency and paranoia than from any damage America could inflict, that "our penetration of the Soviet intelligence was effective and long-standing," and that "communism's profound problems were self-inflicted."

There is a clear echo of these sentiments in the statements that have been culled from Hanssen's letters to his Russian handlers. He wrote them that the "United States can be mistakenly likened to a powerfully built but retarded child — potentially dangerous, but young, immature, and easily manipulated." These are very revealing words. Ames' and Hanssen's statements, brief though they are, might explain not only their own decisions to betray their country but those of other spies who provided the Soviets with crucial information for almost three-quarters of a century.

With their intimate knowledge of their country's and its adversary's secrets, they were convinced of the strength of

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*The Communist handlers of Western turncoats understood how to appeal to a sense of fairness that animated the liberal mind, a sense that made such individuals the ideal dupes of those for whom "fairness" was a concept as foreign as "freedom."*

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the West and saw themselves in a position that provided them with the ultimate answer to the mystery surrounding state relations. They felt that they could distinguish between sham and substance, between faith and perfidy, between a pretended public conflict and a behind-the-scenes accommodation. The spies saw themselves as the moral equals of world leaders, albeit more honest. Ames and Hanssen did not have to be agents of superior intelligence to realize that the Russians were spying because they were weak and wished to conceal, rather than because they presented a mortal danger to the West. The spies became convinced that they were party to a charade and that the relative strengths of the two societies were not at all what the public was led to believe. Most importantly for their own rationalizations, they could dismiss any notion that they were hurting their country.

And the personal satisfaction was incalculable. Ames and Hanssen saw themselves as unseen participants in the game of nations, able to see the cards of all the players, contemptuous of both sides as they sought to convince the world that the game had some objective good, and determined to tear away that veil that obscured the players' true relationships. Any doubts the double agents may have had would have

evaporated as rapidly as a summer shower.

Think of the secret satisfaction of being underestimated or made light of by friends, colleagues, and perhaps spouses, and of the riches to be had . . . it was a heady mix. If as wise a man as Faust could not resist it, mediocrities such as Ames

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*What spies such as Philby, Ames, and Hanssen overlooked was that it was precisely the weakness of the Russian government that was a real danger to its American adversary, and indeed, to world peace.*

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and Hanssen were easily seduced. As Ames put it to the reporter in his cell: "I know what the Soviet Union is really all about. I know what's best for foreign policy and national security." Even a president could not make such a claim.

The Russians, skillful psychologists that they are, understood that urge for "fairness" that animates Western liberals. Inducements of money, sex, and ego were used as well to attach the Western intellectual to the Communist train that seemed to run perpetually backwards. It was clear why Ames was using the metaphor of sport when he spoke of "leveling the playing field." Hanssen must have felt the same way. The Communist handlers of Western turncoats understood how to appeal to a sense of fairness that animated the liberal mind, a sense that made such individuals the ideal dupes of those for whom "fairness" was a concept as foreign as "freedom."

What spies such as Philby, Ames, and Hanssen overlooked was that it was precisely the weakness of the Russian government that was a real danger to its American adversary, and indeed, to world peace. The history of our times offers enough sorry examples of such misjudgments. It has generally been the weaker power that has been responsible for conflict. It was the backward Serbians who dragged their more advanced allies into a bloody World War I. In World War II, Germany had fewer planes and tanks than France and England, which did not stop Hitler from precipitating the murderous struggle. Throughout its long history, Russia has not only displayed weakness, but has used it to her advantage. Her spies could not understand that successful spying was of small comfort to a Russian society that needed (and still needs) desperately to practice openness not only to prosper but to survive. □



"What a nice invention! — Now we can pop some corn!"



# 1000 Destroyers of Oregon

*by Randal O'Toole*

Welcome to Oregon, where roads are congested, housing prices are high, apartments are vacant, and the non-profits are very profitable.

In February 2000, an Oregon land-use official ordered southeast Portland's Sunnyside United Methodist Church to allow no more than 70 people at one time into its 400-seat sanctuary for Sunday services. A local uproar soon reversed this decision, but the official's suspension of the church's free-dinner program for the poor, and numerous other charitable activities, remains in place.

When the First Presbyterian Church in the southern Oregon town of Jacksonville outgrew its building, it applied for a routine permit to build a larger church. The city said it would permit the new church only if no more than 40 cars used the church parking lot on weekdays, there were no services on Sunday evenings, the building would be closed on Saturdays, and the church would hold no more than five weddings and funerals per year. When the church refused to accept these conditions, the city simply denied the permit, saying that it would lead to too much congestion. The church is appealing the decision.

Oregon land-use planners now micromanage everything from home construction to driving to religion. Moreover, the Environmental Protection Agency is working arm-in-arm with the American Planning Association and other planning advocates to extend this system to other states. Recent laws passed by legislatures in Washington, Wisconsin, Minnesota, and Georgia are among those specifically modeled on Oregon's example. Similar ballot measures were recently defeated in Arizona and Colorado, but planning advocates in those states are pushing their legislatures to pass slightly weakened versions of the measures.

While the Oregon agency in charge of land-use planning is called the Department of Land Conservation and Development, the organization with the greatest influence on the state's planning policies is a non-profit group called

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1000 Friends of Oregon. Today, 1000 Friends has become the most powerful non-profit in Oregon and could easily be the most powerful local non-profit in any state.

1000 Friends has been accurately described as "the group named for a fundraising strategy." Henry Richmond, the organization's founder, hoped that 1000 people would each donate \$100 per year to the group. In the early 1970s, Richmond was staff attorney for the Oregon Student Public Interest Research Group (OSPIRG), a Ralph Nader-inspired consumer and environmental advocacy group.

As a forestry undergraduate at Oregon State University, I was eager to become a "Nader's Raider," so in the summer of 1973, I worked as an OSPIRG intern under Richmond studying federal forest management in Oregon. Others working at OSPIRG that summer also looked at land-use issues and produced reports that framed the public discussion of Oregon land-use law over the next 20 years:

- Richard Benner, a University of Oregon law student, wrote a paper on the need to protect coastal estuaries from development
- Robert Stacey, another U of O law student, wrote a report on state lands
- Other interns covered prime farm lands, regional planning, and subdivisions
- Richmond himself wrote a report charging that Oregon's coastal lands were being rapidly developed because the "fox was guarding the chickens" — that is,

realtors and developers controlled the state commission that monitored coastal lands.

That year, 1973, was also the year that the state legislature created the Department of Land Conservation and Development and gave it, and the seven-member Land Conservation and Development Commission (LCDC) that oversaw it, the power to monitor city and county land-use planning.

The 1973 law gave any citizen the right to appeal any land-use decision made by a city, county, or the LCDC itself. Richmond could see that lawyers would play a key role in future Oregon land-use planning. So he incorporated 1000

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*1000 Friends of Oregon was named for its fundraising strategy. Its founder hoped that 1000 people would each donate \$100 per year to the group. But the fact is that 1000 Friends is funded mainly by out-of-state foundations.*

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Friends of Oregon and hired two recent law school graduates, Richard Benner and Robert Stacey. Later, he added Harvard Law School graduate Robert Liberty to the staff. Richmond had the support of Oregon's popular governor, Tom McCall, who served as chair of 1000 Friends' first board of directors.

Over the next decade, Oregon cities and counties wrote and rewrote their land-use plans to meet the standards that had been set for them by LCDC. Among these standards was a requirement that all cities have urban-growth boundaries, outside of which nearly all land was to be left rural and nearly undeveloped. If a county proposed to allow too much development outside of an urban-growth boundary — for example, by zoning land for 10- or 20-acre lot sizes — LCDC had the power to reject the plan and send it back to the county. If LCDC failed to reject the plan, 1000 Friends would appeal it to Oregon's Board of Land Appeals and, if necessary, take it to court. The group's appeals and lawsuits quickly developed a case law that made planning much stronger than either the legislature or LCDC intended.

For example, Oregon's land-use law was aimed at protecting farms and forests, and LCDC originally asked counties to zone rural lands to a minimum of 40-acre lot sizes. But under pressure from 1000 Friends, this was soon expanded to 160 acres. Eventually, LCDC passed even more stringent rules that now make it almost impossible to build on 95% of the state.

Slowing growth to protect farms and forests from development is a traditional environmental goal. But 1000 Friends' agenda in urban areas raised the hackles of many environmentalists. Unlike some, Richmond had no desire to slow or limit urban growth and 1000 Friends challenged cities that tried to do so.

Some Oregon cities proposed to follow the example of various California cities by placing a temporary moratorium on building permits, limiting the number of building permits

issued each year, or zoning exclusively for large lots. Richmond's staff appealed plans that would limit urban development as aggressively as they appealed plans that would allow rural development.

This strategy allowed 1000 Friends to build a strong coalition in support of land-use planning even as it pushed LCDC into more and more extreme positions. 1000 Friends built a coalition of environmentalists who wanted to preserve rural areas with realtors and developers who wanted to build and sell properties in urban areas. Strict growth controls on farm and forest lands pleased the former, while unlimited growth policies inside urban-growth boundaries pleased the latter.

The coalition was aided by the fact that the initial urban-growth boundaries were drawn to include enough vacant land to accommodate an estimated 20 years worth of growth. This satisfied developers and home builders that they would have a place to sell their products. Environmentalists were happy that the land inside urban-growth boundaries covered less than 1.25% of the state, while nearly 95% of the state was zoned in 40-acre lot sizes or greater. The remaining 4% was considered rural but zoned in lots of 5 to 10 acres.

For many years, the main opponents of land-use planning were ruralites, who objected to the reductions in their land values caused by restrictive zoning. A few urbanites were upset when LCDC and 1000 Friends forced them to accept smaller lot zoning than they preferred. But there were few restrictions on development inside of most urban-growth boundaries, so developers continued to please the market with large-lot subdivisions.

When Massachusetts passed a law offering farmers compensation for restricting their land from development, Henry Richmond argued that "such a law would send the state [of Oregon] into bankruptcy." Most urbanites enjoyed the idea that planning protected large expanses of farms, forests, and other open spaces at no cost to themselves, so they strongly supported the law when rural land owners sought to repeal it.

By 1986, Oregon cities and counties had finished their comprehensive planning and 1000 Friends' mission as self-appointed monitor was completed. For a few years, the organization seemed adrift with little to do.

Richmond sought foundation funding for a project that would "solve" Oregon's timber supply problems by legislatively requiring all private landowners to cut timber on schedules decreed by the state. He told environmentalists that the law would take pressure away from cutting public lands and he told timber companies that the law would increase their timber supplies by forcing owners of small parcels of forest land — many of whom wanted their own private wilderness areas — to sell their trees to the sawmills. Richmond could muster little support for this legislation, but the proposal revealed his strong continued belief in state planning and dislike for allowing private land owners any freedom.

In 1989, 1000 Friends found a new cause. The Portland area was growing, and most of the growth was taking place in a triangle west of Portland proper, marked by Beaverton, Tualatin, and Hillsboro. To relieve a growing congestion

problem, the state transportation department proposed to build a new freeway, known as the Western Bypass, connecting Tualatin with Hillsboro. The proposed road would, for a short distance, be outside of Portland's urban-growth boundary. While the transportation department said that it would not build any exits outside the boundary, 1000 Friends saw the road as a potential "boundary buster."

The Western Bypass thus became a symbol for a certain view of growth-management planning. When first proposed, urban-growth boundaries were presented as a flexible planning tool that would allow orderly development and prevent "leapfrog" subdivisions well outside of urban areas. As an urban area's population grew, its boundary would expand so that there would always be vacant land available for newcomers.

Once in place, however, the boundaries created a constituency for not moving them. People who lived near the boundary enjoyed scenic vistas and open space just a short distance away. Urbanites who lived on rural residential lands just outside the boundary enjoyed knowing that their neighbors would not be allowed to subdivide their land. Farmers complained that some of their land was not suitable for farming and the urban-growth boundary made it unsuitable for anything else, but they were vastly outnumbered by the urban residents who wanted to see the boundary fixed in perpetuity.

Inspired by the need to protect the boundary, 1000 Friends conceived and developed an entirely new view of growth management. Instead of moving the boundary to accommodate growth, vacant lands and existing neighborhoods inside the boundary should be built and rebuilt to much higher densities. These higher-density neighborhoods would be served not by new roads but with rail and bus transit. To support this idea, 1000 Friends commissioned a huge study known as Land Use Transportation Air Quality, or LUTRAQ for short.

LUTRAQ proposed a combination of high-density, mixed-use developments in the centers of Hillsboro, Tualatin, and other cities west of Portland; a light-rail line connecting these centers; and numerous transit-oriented developments located within a mile of light-rail or express-bus routes. The high-density developments would accommodate increased numbers of people without expanding the urban-growth boundary while the rail and bus service would allow those people to move around without congesting the roads. In essence, LUTRAQ proposed what is now popularly known as "smart growth."

1000 Friends hired several professional consulting firms to predict the effects of this approach. They assumed that people living in transit-oriented developments would be less likely to own an automobile and more likely to walk, cycle, or ride transit than people living in a standard suburban development. Based on this, they estimated that, compared with building the Western Bypass, the LUTRAQ alternative would encourage people to carpool and ride transit more and to drive less.

LUTRAQ's conclusions were based on highly speculative assumptions about the effects of density and design on people's travel behavior. For example, the consultants assumed that people would drive less if stores and offices

fronted on sidewalks instead of being separated from the street and sidewalk by a parking lot; a 63% increase in commercial buildings fronting on the sidewalk, they claimed, would reduce driving by 10%.

To support claims like these, 1000 Friends hired experts such as the Parsons Brinkerhoff engineering consulting firm and architect Peter Calthorpe. While ostensibly objective, Parsons Brinkerhoff makes tens of millions of dollars helping cities design and build light-rail systems. Calthorpe is a strong proponent of anti-automobile policies.

Many outsiders doubted whether LUTRAQ's conclusions were valid. Wayne Kittleson, a Portland transportation consultant, reviewed the Parsons Brinkerhoff studies on the claim that building design would change travel behavior. He found that the methods and data were "too weak to support the conclusions that have been reached." The reports themselves showed that "the actual relationship [between building design and travel] is questionable." In fact, Kittleson concluded, "the LUTRAQ data actually help to demonstrate that building orientation [whether or not buildings front on the sidewalk] is not likely to materially affect these mode-choice decisions."

University of Southern California planning professor Genevieve Giuliano points out that LUTRAQ compared three different alternatives. One assumed that the Western

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*1000 Friends loudly proclaimed that its study demonstrated that strong land-use policies would reduce congestion, when in fact, it found the opposite.*

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Bypass was built. A second assumed that light rail would be built instead of the bypass and land use would emphasize transit-oriented developments. The third alternative was the same as the second, but also assumed that all workers would get free transit passes but have to pay for parking if they drove to work.

LUTRAQ models found that land-use policies and rail transit alone would reduce drive-alone commuting by only 3% and increase transit ridership by less than 14%. When free transit and parking fees are added, drive-alone commuting falls another 15% and transit ridership rises another 28%. Clearly, parking fees and free transit are much more important than land-use and design codes. Despite the huge change in land-use patterns, comments Giuliano, without free transit and parking fees, the "travel impacts of the LUTRAQ alternative are minor."

1000 Friends loudly proclaimed that the study demonstrated that strong land-use policies would actually reduce congestion, when in fact, it found the opposite. Even with free transit and costly parking, it concluded that both auto commuting and total auto travel would be far greater in the future. Since LUTRAQ proposed no increase in roads to support increased auto driving, it increases total traffic on any given road at all hours of the day.

Despite all this, LUTRAQ became one of the most

influential smart-growth studies ever done, and certainly the most influential study done by a non-government organization. Although LUTRAQ only studied the Washington County portion of the Portland area, planners ended up applying its recommendations to the entire Portland area.

LUTRAQ also had a huge influence on 1000 Friends. It became a lucrative source of income for the group, which convinced numerous foundations and government agencies to help fund the research. Funders included the Energy Foundation (a joint project of the Pew Charitable Trusts and MacArthur Foundation), Surdna Foundation, Nathan Cummings Foundation, Joyce Foundation, Environmental Protection Agency, and U.S. Department of Transportation. Today 1000 Friends is funded mainly by out-of-state foundations, not 1000 Oregonians donating \$100 per year.

LUTRAQ also led to a major change in tactics. Where 1000 Friends once depended mainly on administrative appeals and litigation, it now turned to lobbying and

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*Fewer than a third of Portland-area families can now afford to buy a median-priced single-family home.*

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coalition building. Too often, the "coalitions" it built were merely front groups that were little more than alter egos for 1000 Friends, with names like Livable Oregon and Coalition for a Livable Future.

1000 Friends began its lobbying efforts by reviving a moribund group known as Sensible Transportation Options for People (STOP) to support the light-rail aspects of LUTRAQ. STOP had existed briefly in the 1970s to oppose highway construction. 1000 Friends revived it as a partner in LUTRAQ fundraising to divert money supposedly going for LUTRAQ research to create a group that would lobby in favor of more rail construction.

To help promote the LUTRAQ alternative in the Portland area, 1000 Friends started the Coalition for a Livable Future. Ostensibly, this coalition includes dozens of different environmental and social organizations, ranging from the Oregon Environmental Council to the Oregon Food Bank. In practice, the coalition was run as a branch of 1000 Friends. Its website was a part of the 1000 Friends website, and directed anyone ordering the coalitions' publications to "make checks payable to 1000 Friends of Oregon."

Ironically, one of the coalition's members was the Sunnyside United Methodist Church, which was ordered by land-use officials to limit its church attendance to just 70 people and severely restrict its charitable activities. One wonders whether church leaders have learned that a government that tells farmers, suburbanites, auto drivers, and retailers how to live their lives and run their businesses is bound to get around to telling churches what they can and cannot do as well.

Portland is at the north end of the 100-mile-long Willamette River Valley, where most Oregonians live. With

support from 1000 Friends, Oregon's governor started the Willamette Valley Livability Forum to consider the future of farms, forests, and urban areas in the Willamette Valley. 1000 Friends then started the Willamette Valley Alternative Futures Project, whose goal is to provide technical support for and influence the Livability Forum.

To spread LUTRAQ's policy prescriptions to other parts of Oregon, 1000 Friends helped start a group called Livable Oregon. With funding from the state, Livable Oregon goes to other cities and "helps" people write plans for their cities. Residents of those cities report that, no matter what they tell Livable Oregon, the plans always turn out to be the same: high-density housing, no more roads, heavy subsidies to mass transit.

The staff and board of 1000 Friends seem to have a hand in every land-use issue in Oregon. They serve as board members on numerous other organizations, including the Oregon Environmental Council, Bicycle Transportation Alliance, and Portland Audubon Society (all members of the Coalition for a Livable Future). They have also served on numerous government commissions, including the Governor's Task Force on Growth, the Willamette Valley Livability Forum, and Portland's Future Visioning Commission.

One of the first effects of LUTRAQ was to convince the Land Conservation and Development Commission to pass a rule requiring major Oregon cities to use land-use planning to reduce automobile traffic. Historically, per capita driving in the U.S. has grown by more than 2% per year for as long as anyone has kept track. Yet in 1991, LCDC directed planners to halt any growth in per capita driving over the next ten years and to actually reduce per capita driving by 20% over the next 30 years.

LCDC's transportation rule did not merely set a goal. It specified how planners were to go about reducing driving. It required that all new stores and shopping centers must front on the street and that any parking must be hidden in back. Transit and transit-oriented developments must be encouraged. The rule stopped short of requiring employers to charge their employees for parking, but it did require that urban parking supplies be reduced by 10%.

To further discourage driving, it urged cities to use *traffic calming devices* — speed bumps, traffic circles, other barriers — in roads to slow traffic and reduce traffic flow. Thus the goal of Oregon transportation planners has gone from reducing congestion to increasing it.

Working in tandem, Oregon's Department of Environmental Quality passed a rule requiring employers of 50 or more to convince their employees to reduce their commuting by auto by at least 10%. Employers had a choice: they could either agree to meet a 10% reduction target or they could write a "plan" to do such things as buy all their employees transit passes. If they chose the target, they could be fined for failing to meet the target, so most employers chose to write a plan. Suddenly, thousands of workers had free transit passes. Per capita driving continued to grow faster than 2% per year.

In 1992, Portland-area voters passed a ballot measure with the title "limits regional government," which in fact created the most powerful regional government in the

nation. Metro, the name of this agency, had dictatorial power over the 24 cities and three counties in the Portland area. Within a few months of its creation, Metro published a draft plan to apply LUTRAQ's prescriptions — density, rail transit, transit-oriented development, and limited highway expansion — throughout the area.

Thanks to the rapid growth of the Portland area, vacant land inside the urban-growth boundary was filling up fast. Land prices started rising at double-digit rates. Portland went from being one of the most affordable housing markets in the nation to one of the least affordable.

Not surprisingly, home builders pressed to expand the urban-growth boundary, thereby threatening to break up the 1000 Friends coalition of environmentalists and developers. In response, 1000 Friends helped start the Zero Option Committee, a group of officials and activists who opposed any expansion of the boundary.

When home builders asked the legislature to order Metro to expand the boundary, 1000 Friends proposed instead a LUTRAQ solution: accommodate population growth by requiring higher densities inside the boundary. The legislature gave Metro the authority to do so, and Metro gave population targets to all cities and counties in the region. They responded by applying new minimum density zoning ordinances to existing neighborhoods.

Owners of vacant lots are no longer allowed to build only one home on their lot. If they own an acre zoned for 24-unit-per-acre apartments, they are allowed to build nothing but 24-unit-per-acre apartments. In some zones, homeowners whose houses burn down are allowed to rebuild only if they replace their homes with apartments.

Despite several voter rejections of further light-rail construction, Metro has insisted on putting most of the region's transportation dollars into new rail lines. Saying that "congestion signals positive urban development," Metro's official policy has been to let congestion increase to near-gridlock — what traffic engineers call "level of service F" — on routes paralleled by existing or planned rail lines.

LUTRAQ also called for transit-oriented development, meaning high-density developments that include housing, commercial, and retail spaces in one building. Planners soon learned that zoning was not enough to stimulate such developments. So Portland gave developers ten years of property tax waivers if they submitted to its plan for mixed-use development in transit corridors. Multnomah County ordered its librarians to add four stories of apartments on top of new libraries approved by voters. Suburbs such as Gresham and Beaverton offered millions of dollars in subsidies to developers. Soon, neighborhoods of one- and two-story homes started sprouting huge fifty- and sixty-foot-tall mid-rise developments.

Planners continued to allow the construction of some single-family homes, but insisted that they be on tiny lots. Homes in Orenco, a development next to a light-rail station west of Portland, have no back yards: each house's back door opens on an alley. They do have a ten-foot-wide sideyard, and each homeowner has title to the entire ten feet on one side; the other side belongs to his neighbor.

As its influence spread, 1000 Friends' staff dispersed to take powerful jobs in Oregon's government. Richard Benner became the director of the Department of Land Conservation

and Development. Robert Stacey, a 1000 Friends attorney and head of Livable Oregon, became the chief planner for the city of Portland and, later, Portland's transit agency. Stacey also chairs Livable Oregon. Henry Richmond became the director of the National Growth Management Leadership Project, leaving Robert Liberty to run 1000 Friends.

As director of Oregon's land-use planning agency, Benner may be the most powerful non-elected official in Oregon. As Metro put the squeeze on Portland-area neighborhoods, Benner worried that wealthy people might try to escape the city into rural areas. LCDC had already passed a rule saying that it was not enough to limit rural lot

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### *Oregon land-use planners now micromanage everything from home construction to driving to religion.*

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sizes to 160 acres. Owners of such parcels must prove they are genuine farmers by planting crops on the land for three years.

Landowners responded by planting blueberries on their land. Blueberries do not mature for four years, so they can claim they were farmers, and build their houses before the first harvest. When Mark Wattles, the wealthy founder of the Hollywood Video chain, proposed to build a 40,000-square-foot house on farmland that he had planted with blueberries, Benner vowed to halt such "hobby farmers." He convinced the LCDC to pass a rule forbidding new homes in rural areas unless land owners actually earned \$80,000 per year farming the land. Only one out of six Oregon farmers earn this much each year, so the rule virtually halted new home construction in rural areas.

"Before we started using this test," says Benner, "lawyers, doctors, and others not really farming were building houses in farm zones." In the three years after the rule was passed, only 322 new homes were approved in farm areas. In that same period, Oregon's population grew by 140,000 people, nearly all of whom were forced by LCDC's rules to crowd into the 1.25% of the state zoned for urban development.

The farms that 1000 Friends protects are some of the most polluting lands in the state of Oregon. Farmers consume huge amounts of water for irrigation and dump thousands of pounds of fertilizers, herbicides, insecticides, and other pesticides on their lands every year. Yet 1000 Friends' official policy is that it "does not participate in developing or enforcing laws or rules that regulate the environmental impacts from farming, ranching, or timber production."

Meanwhile, urban open spaces that are most needed and highly valued by urban residents are rapidly being consumed to meet 1000 Friends' population goals. The Top o' Scott Golf Course, which had been zoned as open space in 1980, was recently rezoned for high-density housing and commercial development. The city of Portland sold a 14-acre park to developers at below-market prices on the condition that they use it for high-density housing.

Polls show that most people count their back yards as open space. Yet 1000 Friends counts land as open space if it is farmed, forested, or wildlife habitat. When planners proposed to densify a Portland-area suburb, effectively eliminating backyards, one naive resident called 1000 Friends for help. Robert Liberty told him, "I grew up on a 50-by-100 lot, and what is good enough for me should be good enough for anyone."

To preach the gospel of land-use planning outside of Oregon, 1000 Friends started the National Growth Management Leadership Project. This group receives funding from the Environmental Protection Agency and various left-liberal foundations to help create advocacy groups in other states. Such organizations have been formed in at least 20 different states, including Florida, Hawaii, Maryland, Pennsylvania, and Washington. They are joined by a number of similar organizations with slightly more creative names, such as Grow Smart Rhode Island and Coalition for Utah's Future.

Many of these groups receive funding from the same sources. The Energy Foundation, the Ford Foundation, the James C. Penney Foundation, the Nathan Cummings Foundation, the Northwest Area Foundation, the Surdna Foundation, and the Environmental Protection Agency have all given money to more than one, and in many cases several, of the above groups.

1000 Friends' influence is spreading to urban areas throughout the country. Under pressure from groups inspired by 1000 Friends, Atlanta and the Twin Cities are both considering LUTRAQ-like smart-growth plans. Such

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*With funding from the state, Livable Oregon goes to cities and "helps" people write plans. But no matter what people tell them, the plans always turn out to be the same: high-density housing, no more roads, heavy subsidies to mass transit.*

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plans have already been adopted in much of Maryland and parts of Washington.

In 1998, Oregon Sen. Ron Wyden convinced Congress to spend \$20 million per year on LUTRAQ-like studies in other cities. The money goes to local governments but may be shared with "non-traditional" organizations, meaning non-profit groups such as 1000 Friends. In 2000, for example, the program gave \$205,000 to the Coalition for Utah's Future, which is promoting smart growth in the Salt Lake City region.

Yet Portland provides plenty of evidence that 1000 Friends' policies don't work. Per capita driving is growing by more than 3% per year. In 1991, when LCDC passed its transportation-planning rule, the average Portland-area resident traveled less than 20 miles per day by auto. By 1999, this increased to more than 23 miles per day. Metro itself predicts that, in 25 years, the amount of time drivers will

waste in traffic congestion each day will quintuple.

Nor are Portlanders happily settling into the transit-oriented developments planners have prescribed for them. Fewer than a third of Portland-area families can afford to buy a median-priced single-family home — that's less than half the national average — but the heavily subsidized high-density developments still suffer from near-record-high vacancy rates.

In last November's election, 56% of the voters supported a ballot measure requiring compensation to land owners whose property values are reduced by government regulation. 1000 Friends has challenged this in court, and

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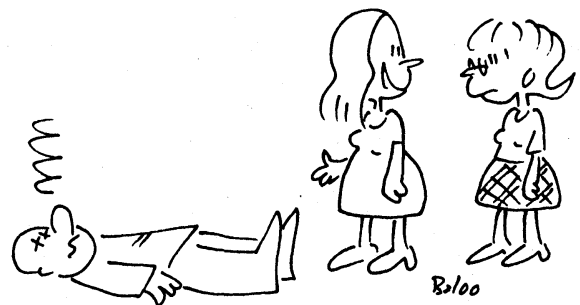
*"If you cannot live with our values," says Portland's Mayor Vera Katz, "then don't come and live here."*

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since most Oregon judges strongly support land-use planning, its challenge is likely to succeed. Meanwhile, the head of Portland's Metro has asked the legislature to pass a constitutional amendment that would guarantee the right of land-use planners to regulate people's land without fear that the landowners can demand compensation.

Supporters of 1000 Friends claim that Oregon's and Portland's recent growth rates prove that their plans make the region more attractive — otherwise people wouldn't move in. In fact, Nevada, Arizona, Idaho, Utah, Colorado, Georgia, Texas, Florida, and Washington all grew faster than Oregon in the 1990s. With one exception (Florida), none of these states have statewide land-use planning. Meanwhile, Las Vegas, Phoenix, Atlanta, Reno, and Denver are among the 28 major urban areas that grew faster than Portland. Metro is not able to control people in Clark County, across the state line in Washington. Not surprisingly, Clark County's population is growing faster than any Oregon county. If anything, Oregon's strict land-use planning is stifling growth.

That's just fine with some people. "If you cannot live with our values," says Portland's Mayor Vera Katz, "then don't come and live here." Katz grew up in New York City and moved to Oregon because she liked the region's livability. If she continues to promote the 1000 Friends agenda, she will make Portland as wonderful a place to live as New York City. □



"See? — It *does* pay to increase your vocabulary!"



# Not a Union Man

*by Bruce Ramsey*

When the union calls a strike and your friends and comrades walk the picket line, what do you do?

I was a member of the Newspaper Guild for 16 years. Strictly speaking, membership was not compulsory, but paying most of the dues was. Given that, I decided it was wiser to stay in and work for a better retirement plan. I got to know the union people, and we got along all right. We had a common interest in the retirement plan, though we were of different political views.

That the company ignored our efforts confirmed them in their unionism. But I also saw that we could have had a much better plan if we had voted out the union and accepted the package our nonunion colleagues already had. I kept these thoughts mostly to myself. By what I did, and the label I accepted, I was a union man.

Early last year, I accepted an offer at the city's other daily paper. It had a modified closed shop, requiring nine out of every ten new hires to join the union. The other paper had that rule, too, but I had never had a chance to be a "one-in-ten." Now I had it, and I took it. This saved me union dues of 1.5% of gross pay and, I thought, the necessity of ever having to worry about the union again.

Nine months after I got the job, the union struck both papers. It was the first strike for either paper since 1953. Though I was no longer a member of the union, it legally represented me. Unlike management employees, I had the option of walking out and having some kind of rights — I wasn't quite sure what they were — protected. I could also join the union, though if I did, I could not go back to being a one-in-ten.

Two days before the strike a senior reporter came to my office and suggested that I join the union. I wasn't sure whether the visit was official or not.

"I don't think I need the union," I said.

"You probably don't," he said. "But other people here do.

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The guys on the loading dock. We need to stick together. Your colleagues are in it, and it would be better if you joined it."

I declined.

A few days before the strike, the company began circulating paperwork. I had a right to strike, it said; there could be no reprisals, but striking was a serious act. I would not be paid, and after the first of the month, I would get no medical benefits. And the company wanted to know in writing whether I intended to strike.

The majority owner of the newspaper came to my work group. He is a man of deep sentiment, particularly about his family's commitment to the paper. The union was not being reasonable, he said. It had a new leader, he was from out of town, and he was trying to foment a strike for his own purposes. The union's demand was money, and larger percentage increases than anybody in the industry was giving out.

The union had a rally in the little park across the street from his office — *his* little park, owned by the company — carrying signs denouncing his company as a "plantation" and him for his "profits" and "greed." The signs were offensive. His family had not been greedy about taking money out of the business. Just the opposite. They had accepted a rate of return about one-third that of the corporate chains' in order to serve the community. They used the money to hire extra employees.

Did the employees appreciate that? Apparently not.

It wasn't a matter of loyalty to him, one of us said. Yes, some of the union signs were ridiculous. We don't want to hurt the paper. But it isn't that simple.

The others in my work group all went out on strike.

That was the first notable thing. They didn't need the union any more than I did. But they were members. No one expected me to join them, or even urged me to. And I didn't urge them to join me.

To strike or not is an either/or decision. But there was a strong urge among the less zealous to find a middle ground. Some struck but refused to picket, thereby losing their strike pay from the union. They would work for neither side and

*The company took on the look of a fort. The company boarded up the lunchroom windows so the picketers couldn't peer inside. Hurricane fences, bolted to the sidewalk, went around the entrances.*

be paid by neither side. Some worked for the web-based newspaper the union started up. You could put your name on your work and show the world. You could work for it behind the scenes. Or you could refuse to work for it, but still strike. The people who faced these choices read much significance into them. But viewed from the company's side, there were no neutrals. Either you were trying to help the company survive or you were trying to shut it down.

The company took on the look of a fort. The company boarded up the lunchroom windows so the picketers couldn't peer inside. Hurricane fences, bolted to the sidewalk, went around the entrances, and around the little private park across the street. The union made a fuss about those fences, especially the fence around the park, and how un-familylike they were.

When I got to my desk that first day, I found I had my computer and voice-mail passwords erased, along with those of everyone else who was union-affiliated. I had to get all new ones. The union complained that all their company cell phones stopped working, portraying it as a petulant act by the owners.

I already had a new ID badge, blue instead of white. My badge had to be visible for me to get into the building. There were lots of new security guards too, big muscular guys, most of them black. The union made a fuss about how threatening they looked, though they were unfailingly polite. Sometimes they would videotape the picketers, and the union would complain about that, too.

The security company replaced our cafeteria caterer. The new food wasn't so good, but it was free. It was all you could eat, four meals a day plus snacks. All the machines were on free vend. Pull a lever, and boom! Diet Pepsi. Doritos. M&Ms. All you wanted. There was a freezer full of Dove bars.

On the first night, the managers were issued folding cots, and slept next to their desks. I went home. The next day I

took the bus, which I almost never do, and assembled at an assigned place for a special strikebreakers' van. The van came, and I met a couple of young employees from other departments. They were one-in-tens, too.

Comrades.

At the company, pickets blocked the van. The driver said, "Hang on." Just before two minutes were up, the pickets counted down, "Four, three, two, one," and parted. We got through and entered the building through the basement, next to big rolls of newsprint and more security guards.

About the third day of using the van I saw a manager walk up the sidewalk and cross right through the line. From then on, I walked through the line. It was a polite strike.

There was no violence, no threats, and hardly any nasty language. The worst that I ever heard was the word "scab," which some people seemed to think deeply hurtful. I had a dictionary called *The Lexicon of Labor*, written by one of the union men out on the picket line. I looked up the word "scab" to see if I was one. Yep. But it was a word from another time. Most of my contacts with strikers were simple greetings to friends. A couple of times, I gave a striker a hug. She sent me a Christmas card with a playful reminder that I was on the wrong side.

John L. Lewis would have been disgusted.

In framing the strike around money, the union said that pay hadn't kept up with inflation. The company said that it had. The two sides seemed to define "pay" differently, the company counting more things than the union did. I spent no time trying to verify these claims. The only thing I knew about pay was that I was satisfied with my own. Having accepted the publisher's offer in free negotiation nine months before, it seemed faintly ridiculous for me to hold up a sign saying "UNFAIR."

The strikers had a lot of public sympathy — not because the public understood the issues, but because of who the strikers were. They were strikers. It is a union town. When the strike began, our mayor announced that the city depart-

*There were lots of new security guards too, big muscular guys, most of them black. The union made a fuss about how threatening they looked, though they were unfailingly polite.*

ments would not speak to us strikebreakers. We claimed in our editorial columns that this violated the First Amendment (which wasn't true) and that Hizzoner was taking sides in a private dispute (which was). The mayor backed down. The governor, a Democrat of a more practical stripe, never boycotted us, though he would not visit the paper as long as there was a picket line around it.

We got the paper out. It was thin that first day, with only two sections, but it looked like a paper, and it was free. All the coin boxes were modified to dispense the paper for free. Several weeks into the strike, when the paper was back up to about four sections, we put it up to 25 cents, which was half-

price. It was a sign that the company was winning. A few days later, the vending machines for the strikebreakers went from free vend to 25 cents. That was another sign.

One of the interesting things was the solidarity among the managers. Lots of them were former union members, but

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*At the company, pickets blocked the van. The driver said, "Hang on."*

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they took pride in showing that one manager could do the work of several union members. One had been president of the union. He was the one who walked through the line in front of my van. When your identity changes, your loyalty changes.

There was similar camaraderie in the union. I was told of strikers who started unsure, saying in meetings that the company had been good to them, but a few weeks later repeating the union's grievances. Strikers wrote testimonials afterward in the union paper. "The solidarity has been great," said one. "I was going to support my co-workers no matter what." Another said, "People are feeling free, euphoric. Our spirits soar. We are empowered."

One striker told a reporter, "I feel good about myself, having stood up for something once," though she allowed that the union's issues were not her own. It was a common attitude, and to me, an odd one. If it's not your issue, why stand up for it? I had more sympathy for the person who really did think the company was unfair, like the page-layout man who wrote in a piece at the strike's end:

I sat out there in the cold and the rain, huddled around a rusting burn barrel and began to feel oddly exhilarated. Here I was, losing large chunks of money that I'll probably never recover (certainly not with the money proffered in this stingy contract) and I was positively giddy. How could this be?

Maybe it's simply this. We get few opportunities in this life to stand up for ourselves. We're constantly asked to toe the line, to "get along." I've been a master of the "get along" for so long, I almost forgot what a backbone feels like. It feels damn fine, thank you.

On the inside it felt oddly exhilarating, too. It was also an act of defiance to cross the picket line, and to have one's name and photograph on a column in a paper being struck.

The people who took it hardest were those who were unsure or who changed their minds — most obviously, the strikers who decided to "cross." For some, that decision came when it became obvious that the strike was a lost cause. For others, it was when the union called for a subscription boycott, which was spitting in the punch bowl we all drank from.

Some of the reporters got together and had meetings at a private home. Some were saying to the union leadership: let us vote on the contract offer or else we'll cross. They had not been allowed to vote on it. They argued it as a group, and could not reach a decision as a group. For one thing, the union negotiator was there, arguing the union's line. Most did not cross.

Crossing alone was difficult. One colleague talked at length with her boss, made arrangements to cross, and changed her mind. This was after the company said there would be layoffs after the strike was settled, but that strikebreakers would keep their jobs. She realized that if she reclaimed her job, she would bump a striker — and someone who was a friend. She was in a work group of five. It was too much like being on the *Titanic* and pushing someone out of a lifeboat. She found a job in the next state at a nonunion paper.

A features columnist crossed, late in the strike, and wrote her first column about it. "Every conversation I've had about this strike could have easily have been about religion," she wrote. "Friends spoke of growing up in a 'union family' with the same reverential, say-no-more as 'Catholic family' or 'Jewish family.' I would not dare judge them. We shared childhood strike stories about parents who were policemen or garment workers and, like my mother, teachers, we nodded at the need to stand together.

"But this was a stand visited on me, not one I chose . . . It's as if a stranger came to my door, invoked the name of a beloved, deceased relative, and demanded that I follow." She decided she couldn't follow "when I could no longer see where we were going."

That columnist was birdshot with hostile e-mails. One of the alternative weeklies sneered at her "sappy" column. The

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*Under federal law, union representation is created by majority vote. The Newspaper Guild at my employer held that vote in the late 1930s. That vote, taken more than a decade before I was born, subjects me to a union contract in the year 2001 even though the people who voted may now all be dead.*

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other alternative weekly mocked her for several weeks, repeatedly running her picture.

This columnist had enunciated a principle — that one should always be responsible for where one is going. But it was buried in an emotional column, and the snipers missed it. Maybe they just ignored it. The union side seemed to think "principle" was its word. A strike leader wrote in the union paper at the strike's end, "Walking off your job, leaving friends and maybe your career behind in the name of principle, is a disturbing leap of faith. It's a headlong rush into a tunnel with no other side, the solitary pursuit of a nebulous goal that every single atom on the planet except certain portions of your heart and gut insists is a suicide mission. It is all consuming, sleep depriving. Maddening. In other words: Lord, it was wonderful."

Wonderful — but what principle?

Another columnist wrote, "I don't cross picket lines." That was his principle.

Is that a good principle? If the leader of the strike calls it

*Continued on page 56*

# Wrecking the Rails

*by Stephen Berry*

Britain's weird "privatization" proves that there's more than one way to ruin a railroad.

Last October 17 at Hatfield, just north of London, the rear eight coaches of an inter-city express train traveling at 115 mph came off the rails. Four people were killed and 34 were injured. The cause of the crash was identified as a broken rail weakened by internal cracking. Railtrack, the company set up at privatization to manage the track and signals of Britain's railways, very quickly identified 3,000 sections of rail which might be similarly weakened and needed replacing. Whilst the emergency work was in progress, speed limits of 20 mph were put in place across much of the U.K. rail network.

As Christmas approached, complete chaos reigned on the British railways. Many services were canceled, and if you were lucky enough to catch an overcrowded train, you were likely to find that your journey was taking longer than it did in the good old days of steam engines. As someone who commutes daily into central London, I can bear witness that a train journey at that time was not something to be contemplated by a person of a nervous disposition. I confess that I saw more than one stiff upper lip curl under the pressure and, more alarmingly, furled umbrellas were occasionally raised in righteous anger. Not surprisingly, 25% of rail commuters chose to switch from rail to road, but this only caused the roads to become jammed. The problems have eased since Christmas, but Steve Marshall, the head of Railtrack, remarked, "To get things pretty much back to normal, as far as everyone is concerned, that's going to be Easter." In a recent opinion poll, a clear majority of an exasperated public expressed its anger by demanding that the railways be renationalized.

Britain's little local difficulty is only the latest in a series of ups and downs in the long and colorful history of the railways. It is generally agreed that the world's first practical steam railway was the Stockton and Darlington line in the

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north of England, opened in 1825. George Stephenson's steam engine *Locomotion* was able to haul loaded goods, wagons, and passenger carriages on metal rails at the magnificent speed of 5 mph and justify Stephenson's proud boast that it could do the work of 50 horses. From these small beginnings, Victorian engineers and financiers in the 19th century developed a rail network which rapidly supplanted the waterways and provided the main transport system of the industrial revolution. Typical of these great men was Isambard Kingdom Brunel. Brunel, apart from being the chief engineer of the Great Western Railway, built a number of impressive bridges, a tunnel under the Thames and three of the greatest ships of the day. He never sought public honors, and he numbered amongst his pet hates bureaucracy, statutory restriction, official approval, and government inspectors. The efforts of these entrepreneurs were not restricted to the U.K. The early railways throughout Latin America and Europe were often financed by British capital and built by British engineers.

If the history of railways in the 19th century is a record of the triumphant achievements of private capital and entrepreneurial ingenuity, their history in the 20th century is a story of decline and increasing government interference. The full account of the disastrous effects of the two World Wars on British society has yet to be told, but of one thing I am clear: they gave a tremendous boost to statist trends. In 1914, *de facto* nationalization of the railways was enacted for

the duration of the war, with direct government control not ending until 1921. In the meantime, indirect control was ensured by a Ministry of Transport, created for the first time in 1919. In 1939, the beginning of World War II saw the railways taken over once more by the government, and this time there was to be no reprieve. On Jan. 1, 1948, the railways were nationalized. For almost 50 years, there followed a steady decline. British Rail became a byword for inefficiency, with the British Rail sandwich a national joke. And there was the clear and ever-present danger which

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*If the history of railways in the 19th century is a record of the triumphant achievements of private capital and entrepreneurial ingenuity, their history in the 20th century is a story of decline and increasing government interference.*

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attends any state monopoly. A national strike could at any moment bring the whole network grinding to a halt.

In 1994, the wheel turned full circle and the rail system was returned to private ownership by the then Conservative government. This was both bad and good news. The bad is that the government chose an unusual and complex method of organizing the railways. The system was fragmented into 25 train operators and a single monopoly track provider. Most railways around the world have the trains and track owned by the same company; indeed, this was the system in the U.K. prior to nationalization. Amongst other problems, the present setup has meant that the railways seem to have more meddling regulators and politicians than in any other U.K. privatized industry.

The good news is that the new train operators have introduced 1,000 extra services per day compared with the last year before privatization. Last year, passenger numbers were up by 30% and freight movement by 33%. Railtrack is under pressure from train operators to improve repairs and speed up train schedules, but here the structure imposed by privatization is a hindrance. Railtrack feels that it has not felt the full benefit of the increase in passengers and freight and consequently has not acted with the required alacrity.

The Hatfield accident and aftermath must be seen against the backdrop of a heavily regulated privatized industry gingerly finding its feet. Broken rails are relatively common; an average of two of them are found somewhere in the country each week. But they have only caused six fatalities in the last 30 years (including Hatfield). The speed restrictions were a massive overkill, the reaction of an industry under political pressure. It seems clear that if the rail network had been returned to the position it had prior to nationalization, there would not have been the divorce between track and train operators and economic incentives would have made the national rail go-slow less likely.

But the birth pangs of a newly privatized industry is not the only question to consider here. People in the West live in

a culture which thrives on disasters. Air crashes, rail accidents, earthquakes, and hurricanes are all hot news. If there were a television channel solely devoted to such disasters around the world, it would rival the soap operas for popularity. Paradoxically, whilst the media feeds the public's obsession with disaster, all forms of travel are becoming increasingly safer. Although road-vehicle ownership in the U.K. is at an all time high, there were fewer deaths on the roads last year than ever, and this accident rate has been falling as long as anyone can remember.

Interestingly, the safety of U.K. railways was emphasized by a remarkable and scarcely repeatable crash which occurred at Selby, Yorkshire in February. A freakish series of events involved a car coming off the road, sliding down an embankment and coming to rest, partially on a rail line. An intercity train traveling at 125 mph was deflected and derailed by the car, but its momentum caused it to continue and hit a freight train which was traveling in the opposite direction at 70 mph. The speed of the collision was roughly twice that of a car traveling at the legal limit on a motorway, and the combined mass of the trains involved was 2,000 times that of a car. A professor of mechanical engineering at Imperial College calculated the kinetic energy of the collision as being 8,000 times greater than that of a car hitting a wall at 75 mph. It speaks volumes for the skill of the carriage designers that the fatalities (ten) were so few. Statistically, it is extremely improbable that a U.K. rail traveler will ever be involved in an accident. But even if you are involved in the most horrific rail accident, improved safety features mean that your chances of surviving unscathed are extremely good.

Yet, the media coverage of disasters has produced a political problem. Although risk is intrinsic to progress — the *Titanic* sinks, a Concorde crashes, and there are earthquakes in San Francisco — it appears that many people feel they can have a risk-free world. And politicians, being who they are, tend to pander to the voters' whims. It is with some regret that I have to point out that, notwithstanding the fancies of voters and politicians, delusions have a habit of generating unpleasant consequences.

The rail go-slow sent frustrated commuters onto the road, causing them to use a mode of transport which is, statistically speaking, ten times more dangerous than the railways. This is not to say that driving on the roads is dangerous in the U.K. It is not. Driving cars is very safe in the U.K., but traveling by rail is even safer. The rail go-slow will have produced more deaths in the name of safety than if the trains and maintenance programs had simply been left to run as normal. The brutal political truth is that road accidents are generally not covered by the TV cameras and are therefore not political problems. A rail accident is a media event and rather embarrassing for politicians who insist on being at the center of "Britain's transport policy." More deaths but less political hassle — that is the trade-off made by politicians as a result of the Hatfield crash and it does not make for a pretty story.

Each age has the conceit that it has ideas which are more enlightened than those of previous generations. We should recognize that we may also have ideas which are rather

*Continued on page 44*

# Libertarian Activism: Time to Change?

*For nearly as long as anyone can remember, libertarian activists have focused their financial and personal resources on a single approach: trying to maximize votes for Libertarian Party candidates, especially the LP's presidential candidate.*

*After examining the disastrous LP vote totals in the election last November, Liberty's editor called for libertarians to reconsider this approach. In Liberty's February and March issues, various prominent libertarians responded.*

*Here we continue the symposium on libertarian activism, with two new entries and reader comments on previous suggestions.*

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## In Defense of the Macho-Flash

by Thomas M. Sipos

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A high school buddy and I were trolling New York's third parties, partly from morbid curiosity, but mainly to expand our campaign button collections with some exotica. The Communist Party button was disappointingly normal: bright yellow sunrise over a green meadow. The Socialist Workers Party button was no better. Lyndon LaRouche's U.S. Labor Party didn't even have buttons, just some pamphlets exposing ML6's perfidy during the American Revolution.

At the W. 38th Street offices of the Free Libertarian Party (as it was then called in New York) we found a group of middle-aged white guys, just shooting the breeze. No tenseness or suspicion, as at the other parties. The FLP guys welcomed us with cordial disinterest. So that our button quest would not appear entirely mercenary, we feigned interest and asked questions. One FLP official responded by plucking a copy of *The Moon Is a Harsh Mistress* from a shelf and reading aloud a passage. Unrelated to anything we'd asked,

he added that Heinlein defended the private ownership of nuclear weapons.

We'd been macho-flashed.

I should mention, at the time the Soviet Union was still extant. It was an era when unilateral nuclear disarmament was the left's "non-negotiable" moral issue of the moment. And here was a party that made the GOP look like peaceniks. A party with shock value, the sort beloved by teenage boys. If nothing else, the FLP's pro-nuclear macho-flashing cinched the Beavis and Butthead vote.

But Beavis and Butthead don't vote. Their moms do. And those moms, some LP members caution, don't vote for macho-flashers.

For those new to LP terminology, the macho-flash is an in-your-face flaunting of the most extreme libertarian hypotheticals. No soft-peddling or sugar cube to help the medicine go down. Should a soccer mom ask about drug policy in a hypothetical libertarian society, the non-flasher will discuss medical marijuana, the failure of prohibition, and the benefits of treatment over prisons. The macho-flasher will defend the right to erect crack-cocaine vending machines in a day care center.

The admonition against macho-flashing comes from LP's activists. Activists are primarily concerned with electoral victory. They advocate marketing the more popular LP positions, and downplaying the "scary" ones. They favor a prioritization (if not compromise) of issues, based on voter appeal. Combining the politics of principle with the politics of polling.

Opposing the activists are the LP's purists, who scorn any compromise to the pledge or platform or message, even at the cost of electoral victory. Purists worry that prioritization leads to compromise. Issues downplayed today will be discarded tomorrow, compromised away in a corrupt bargain in exchange for political power. Purists condemn anything less than a 100% victory, while activists counter that an 80 proof Libertarian Congress is better than a 100% LP forever



## *Libertarian Activism: Time for a Change?*

in exile.

The activists may be right — assuming a majority LP Congress is achievable. Or even a sizable minority. Or even . . . something. But I doubt the LP will make any more electoral gains in the next 20 years than it has in the past 20, which is to say it won't make any real gains at all.

But it may yet make significant gains for liberty. The LP could have a real impact if it would use the macho-flash. Libertarian activists should make *full use* of the unique media attention directed at political parties by advocating the *full spectrum* of liberty.

Activists foresee imminent victories whenever any local LP vote tally rises from 2% to 3% — surely 34% in a three-way race is just a few election cycles away? If correct, activists have plausible rationale for asking purists to stop flashing Randian diatribes at soccer moms. But if the LP is forever doomed to lose, and lose badly, then to flash or not to flash is only relevant if one cares whether the LP loses by 98% or a mere 97%.

Because macho-flashing loses votes, it can only be useful if the LP has a use other than vote-getting. It does. As an educational tool.

I am neither a purist nor an activist. I am an educationist. I believe the LP should focus on educating the public about liberty. High vote tallies are nice, I too would love to find them under my Christmas tree. I just don't believe in Santa Claus. And I don't believe that meaningful electoral victories are liable to happen in the foreseeable future.

The LP cannot win, but it can influence. But only on issues it dares to address. Advocating *any* form of drug legalization was macho-flashing in the 1970s. Hippies did it, but not "serious" parties. But today that position no longer shocks. Calls for drug reform come from all quarters, from

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*The Libertarian Party stands for the private ownership of nuclear weapons. That was how LP officials first explained the party to me.*

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pundits and voters, if not from politicians. And the politicians hear even if they don't speak. In time, they will respond. We won't have an LP Congress by 2010, but we will have legalization of medical marijuana, nationwide. It will be enacted by Demopublicans, not the LP. Yet partly, it will be an LP victory, because the LP helped plant the idea into voters' minds.

Today's activists see medical marijuana as one of the LP's most popular issues. Yet ironically, had the purists heeded the activists 25 years ago, the drug issue might have been deprioritized "until such time that the LP controls both houses of Congress." Following this strategy of "polling with principle," not only would the LP still be silent on the drug issue, but medical marijuana would not be as close to legalization as it is today.

Voters cannot support ideas they have not heard of. Before there can be a policy, there must be the vision of that

policy. By mentioning the unmentionable, you enable people to think the unthinkable. What was unthinkable yesterday becomes debatable today, and doable tomorrow.

Once, most everyone assumed racial inequality was ingrained in reality. Unable to conceive an alternative, it never occurred to anyone that state-enforced inequality could be otherwise. Then someone thought it, and said it, and shocked everyone with his macho-flash. But the seed was planted and, in some minds, took root and spread its pollen.

Activists get hysterical when I call the LP an educational tool. They say I should quit and join a think tank or journal, that the LP is a political party and political parties are about getting votes. Well, you can call the LP a political party, but that doesn't make it one. You can call it spaghetti, but that won't make it any more competitive with Chef Boy-ar-Dee. And yes, think tanks and journals are useful in disseminating ideas. But political parties enjoy unique opportunities for influence, opportunities unavailable to think tanks and jour-

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*To flash or not to flash is only relevant if one cares whether the LP loses by 98% or a mere 97%.*

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nals. Candidates receive free media access. State-funded voter guides publicize party principles and ideas. Thus, although a failure as a vote-getter, the LP usefully complements the Reason Foundation, Cato Institute, and *Liberty*.

But even assuming the LP has advanced the cause of medical marijuana, is it still necessary to macho-flash about crack-cocaine vending machines? No, it's not necessary. But, it is helpful. For apart from being fun and funny, such macho-flashes enable our Demopublican allies to appear comparatively moderate. If the LP cannot repeal the income tax, it can at least help Bush's modest tax cut appear . . . modest.

By Demopublican allies, I mean any Demopublican politician who poaches popular libertarian positions from the LP. Poaching and enacting libertarian positions (even if in diluted version) move the nation along the road to liberty.

This is not mere theory. Empirical evidence shows that the major parties have historically co-opted popular third-party positions, thereafter sapping such third parties of their supporters. It is easy to see why this is so. Because only the major parties have the power to enact voters' demands (however imperfectly, and however unjustly, at the expense of other voters), voters disdain "wasting" their votes on an impotent third party. And because the major parties maintain their power through coalition-building, through a constant tug of war for voters, any significant voting bloc that feels their wishes ignored will soon be co-opted by one or both parties.

Activists crow over every tiny LP vote gain, but even if the LP could overcome the wasted vote syndrome, the co-option factor would ensure that any significant new LP vot-

ing bloc would soon be poached by the majors. Non-ideological voters support third parties only when their concerns are entirely ignored by the majors. Should the Demopublicans offer even half a loaf, most such new third party voters will switch. LP activists may be willing to offer three-quarters of a loaf (to the disgust of purists), but the Demopublicans own the bakery.

Yes, there are many "young new voters excited" about the LP. But there have always been "young new voters excited" about this or that third party. Most anti-war demonstrators became Demopublican yuppies after Vietnam. Most hemp activists will become Demopublican dot-comers after hemp is legalized. They say not, but empirical evidence says otherwise. Libertarians, who claim to be rational, should always heed empirical evidence.

But this same evidence also reveals how the LP *can* advance liberty: by authoring the Demopublicans' agenda. Largely unprincipled, most politicians would sooner enact

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*By mentioning the unmentionable, you enable people to think the unthinkable. What was unthinkable yesterday becomes debatable today, and doable tomorrow.*

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any policy than lose office. Clinton mastered this art of triangulation, stealing and enacting diluted versions of his opponents' proposals. OK, let these hollow suits steal away. The LP should do the doable: popularize libertarian ideas so they become worth stealing. Rather than waste its free media access by strategizing how to raise its vote totals from one half to one percent, the LP should fully use its spotlight by advocating liberty, undiluted. It should measure its success not by votes, but by the number of people who stammer, "I never knew anyone could believe such things!"

Ideas expressed often enough lose their shock value, so that whenever the LP's advocacy of a stand overcomes the smears of its opponents, there shall come a Demopublican to harvest the votes. Activists will complain that the victory was rightfully theirs, and purists will complain that the Demopublicans diluted their ideas. Both will be right. But the LP should not constrain its educational influence by chasing the chimera of electoral victory. It should be the Johnny Appleseed of politics, planting the purest seeds of liberty into voters' minds, so that the major parties might spread a richly libertarian harvest before America.

My sole worry is that Demopublicans will not steal enough of our bounty. Liberty is too dear for any one party to horde.

Libertarians need not be afraid to show their true colors. Macho-flashing, even when it changes nobody's mind, at least lets people know that there is a political party with radically different ideas than the others, enabling them to consider alternatives to things they have always taken for granted. □

## First, Do No Harm

Carl S. Milsted, Jr.

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"Hello, I am a Libertarian Party candidate. My campaign is hopelessly underfunded, and my grass-roots support is limited at best. As for me quitting work and campaigning full time to knock on doors, forget it! I do not have a chance at winning this election.

"By voting for me, you get to send a message that that milquetoast, country-club Republican has compromised one too many times. If enough of you vote for me, we can put that wimpy Republican's borderline communist opponent into office instead. Libertarians are doing this across the country. As we grow to the next stage, the United States will suffer a taste of real tyranny. And once the bitterness grows strong enough, the people will realize the true value of liberty, just like the citizens of Romania, Russia, and East Germany."

OK, the last part about former communist countries is my embellishment. But the rest is a fair summary of the typical Libertarian Party campaign. I wish I could say I was exaggerating, but I am not. There is a substantial number of people within the LP who actually consider putting moderate socialist Democrats into office over moderate free-market Republicans to be a victory. The latest annual report from LP headquarters gloats about how the LP could well be responsible for the 50-50 tie in the U.S. Senate, as well as affecting the balance in the U.S. House and the Washington state Senate.

Putting even more vomituous denizens into the legislatures is *not* victory. It is collateral damage. Bragging about "making a difference" in three-way races is the logical equivalent of a terrorist bragging about the number of school children blown up, or declaring that the destruction of the pharmaceutical plant in Sudan was a successful operation.

Is it any wonder that so few libertarians support the Libertarian Party?

I remain an active member of the Libertarian Party. Indeed, I consider the growth of the LP to be essential if the United States is to regain lost liberties. I do not think working within the legacy parties is a viable option. However, third parties are also not a viable option. America needs a new political party, but it must be a new *second* party.

### America, the 1.5 Party State

Because of the winner-take-all nature of U.S. elections, LP candidates in three-party races are not viable. People who may sympathize with the weakest of the three candidates will still usually vote for the least bad of the two stronger candidates, nominees of the Democratic Party and the Republican Party. Thus, such races produce a gross *undercount* of the number of people who support the new party's platform — so much for "sending a message." The only way to be taken seriously as a new party candidate is to come in with so much existing support and money that one of the legacy parties becomes the "third" party. At the presidential

## Libertarian Activism: Time for a Change?

level, this requires a nationally known charismatic billionaire — a candidate type in short supply.

The United States is generally regarded as a two-party state. However, this is wrong. For many races, America is a one-party state. In those areas, people are still awaiting a second viable political party to provide some competition. These races are not merely dog-catchers and weighers of the coal, either. They include many legislative positions.

Consider the chart below. I did a sampling of state board of elections Web sites to determine what fraction of the lower state house races were contested by candidates from both major parties. I chose states mainly on ease of use of their Web sites, smallness of state (Libertarians generally do better in smaller districts), and single-member districts.

State	Total Seats	Uncontested Seats	Percent Uncontested
Colorado	65	21	32%
Delaware	41	19	46%
Georgia	180	103	57%
Iowa	100	46	46%
Kentucky	100	68	68%
Maine	151	46	30%
Nevada	42	10–12	24–29%
Tennessee	99	64	65%
Texas	150	109	73%
Virginia (1999)	100	61	61%
Washington	98	20	20%
Wyoming	60	31	52%

A few notes on the above. A race was “uncontested” if there was not both a Democrat and a Republican contender. I did not count independents or minor parties.\*

As can be seen above, there is no shortage of opportunities for the Libertarian Party to be the *second* political party — not in some faraway future, but *right now*. Indeed, in a fraction of the races above, the LP was the second party. There is no shortage of opportunities for the Libertarian Party to run active campaigns without threatening to make things worse in the near term.

Indeed, as the next chart shows, Libertarian candidates are well rewarded for running in races for which there is either a Democrat or a Republican but not both. Once again, the chart is for the lower state house races. Other minor party candidates and independents are not counted in determining what constitutes a 2-way or a 3-way race.

State	2-Way Races	Avg. LP Percentage	3-Way Races	Avg. LP Percentage
Colorado	20	18.6%	37	4.1%
Delaware	1	4.4%	1	1.2%
Georgia	1	29.9%	2	9%
Iowa	4	12.95%	5	5.2%
Kentucky	0	—	0	—
Maine	6	23.2%	3	7%
Nevada	2	30.8%	3	5.8%
Tennessee	2	20.1%	4	4.2%
Texas	15	13.3%	9	3.5%
Virginia (1999)	2	20%	1	2.7%
Washington	8	16.5%	25	3.6%
Wyoming	3	18.4%	0	—

\* In Nevada, the Web site lists one race with two Republicans and one with two Democrats. I didn't know if these were typos, thus the range of values for “Uncontested.”

Merely choosing a district without two-major-party opposition meant a *factor more than four* on average in the Libertarian vote totals. This is about 40 times better than the Libertarian presidential nominee did.

Two factors go into these improvements. First, the Libertarian candidate has a real shot at getting the votes of people with libertarian inclinations in the district. They are no longer to be repelled by the “lesser of two evils” dilemma. Second, the Libertarian has a shot at getting members of the major party that did not field a candidate in the race in question.

### Our Friend, the Gerrymander

Some still argue that this is still a fruitless strategy in terms of producing victories. After all, there is a very good reason that the Democrats and Republicans fail to field candidates in these races: they are convinced they don't have a chance to win and would like to spend their scarce resources in other races where their chance of victory is greater.

The reason for this has to do more with gerrymandering than with the personal qualities of the incumbent. The party in charge of a state legislature tries to carve out districts with high concentrations of voters for the other party, on the very sound theory that such districts increase their chances in the remaining districts.

But districts that are safe against a Democrat are not necessarily safe against a Libertarian. Nor are districts safe against a Republican necessarily safe against a Libertarian.

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*The United States is generally regarded as a two-party state. However, this is wrong. For many races, America is a one-party state.*

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And as long as gerrymandering exists, there will be uncontested districts for us to exploit.

Consider a conservative rural or suburban district with a large Republican majority. The incumbent may or may not be charismatic, but his views match local views on taxation and gun control far more so than the Democratic candidate's. But a Libertarian candidate's more strenuous opposition to taxes and stronger support for gun rights may take a great many votes away from the Republican incumbent, since the voter faces zero risk of enabling a Democrat to be elected.

### A Magic Bullet?

After decades of running presidential candidates that get routinely clobbered at the polls and mostly ignored by the press, the Libertarian Party gets periodically weeded out down to those who have a great deal of patience and those who hold out hope of finding a “magic bullet” to bring the LP into the mainstream of viability. Given that LP presidential candidates need nearly a hundredfold improvement in their vote totals to have a real impact, those who seek magic bullets are more rational than those who seek to build up the

party incrementally.

This assumes, of course, that winning the presidency should be a focus for the Libertarian Party. A switch in focus to two-way state legislative contests takes care of the first factor of 40. Surely such an improvement qualifies as a "magic bullet." It does not take us all the way to real victory, but it brings us within the range of victory, so that incremental improvements can be made over the course of less than a generation.

There are potential problems with such a switch in strategy. For starters, past LP presidential campaigns have been the party's most effective outreach for gaining new party members. The current LP membership is heavy with people recruited by presidential races, or by mass mailings talking up presidential races. National staff members have informed me that fundraising letters for support of lower-level races fail to draw as much money as letters for high-level, though unwinable, races.

But the LP doesn't have to accept perpetual futility. If a subset of major donors redirect their financial support and a subset of activists reorient their efforts, we can change things.

I suggest the place to start is Virginia, which has its state legislative races in odd-numbered years. It takes roughly 7,000 votes to win a seat. A proper test of this approach could be done this year. □

## Re-Examine the Election Returns, I

by Richard Winger

R.W. Bradford noted (January) that Harry Browne's vote between 1996 and 2000 increased 37% in the states in which Ralph Nader wasn't on the ballot. Bradford hypothesized that, if Nader had been on the ballot in all 50 states, Browne would have done poorer than he did.

I believe Bradford's hypothesis is wrong. When the official figures are used (at the time, they weren't available to Bradford or anyone else), Browne's vote in the states in which Nader wasn't on the ballot was 33% higher in 2000

*The key to understanding why Browne got a higher percentage in George in 2000 than he had in 1996 is Neil Boortz's radio talk show.*

than it had been in 1996. But when one deletes Georgia from this calculation, it turns out that Browne's vote was only 5% higher in the states without Nader on the ballot in 2000 than it had been in 1996.

Furthermore, in five states in which Nader wasn't on the ballot, voters who wanted to write in Nader were free to do so, and the Nader voters did so in large numbers. Nader write-ins in some states were in excess of 2% of the total number of votes cast for president, and in some counties

exceeded 7%. Nader voters didn't say, "Ah, shucks, my candidate isn't on the ballot; guess I'll vote for Browne instead." Instead, the Nader supporters generally wrote Nader in.

When one looks at the counties across the U.S. in which Nader polled over 13% of the vote (there are 29 such counties), one finds that Browne increased his percentage of the vote in 2000 (compared to 1996), in 38% of those counties. If it were true that Browne voters from 1996 defected to Nader, one would think that the Browne vote would have declined most severely in the Nader-loving counties; but this is not what happened.

The key to understanding why Browne got a higher percentage in some places in 2000 than he had in 1996 is Neil Boortz's radio talk show. Browne's percentage of the vote increased in 2000 everywhere Boortz is heard: Dallas, Norfolk, Raleigh/Durham, Birmingham, Charlotte, Fayetteville (N.C.), Austin, and Charleston (S.C.). Boortz is a very popular radio talk-show host who not only boosts libertarian ideas, but the Libertarian Party itself. He had Harry on his show five times in 2000.

In *Liberty's* February issue, Bradford looked at the congressional competition, saying that "Libertarian Party candidates for Congress got more votes in 2000 than any fringe party has ever received before. But when the vote is examined closely, the news isn't so remarkable."

Bradford came to this conclusion by noting that in the 115 districts in which both major parties ran their own nominee in both 1996 and 2000, and in which the LP had candidates in both years, the average LP candidate's vote slipped 4%.

A better way of measuring Libertarian support in U.S. House races is to calculate the median vote percentage for every Libertarian candidate, in the districts in which both major parties ran candidates. When this calculation is done, one finds that libertarians did better in 2000 than in 1996, not only for U.S. House, but for state legislatures as well:

Here are Libertarian candidate median vote percentages (in races with both major parties also running):

Year	1996	2000
U.S. House	1.68%	1.87%
State Senate	2.62%	3.37%
Lower house state legislature	3.18%	3.68%

□

## Re-Examine the Election Returns, II

by Bernard Baltic

Like clockwork, it happens every four years. The handwringing, the fretting, the finger pointing, wherein some libertarians blame others for the LP's lack of success in the last presidential election. These pundits use raw voting data to come to false conclusions. No one could ever accuse them of having taken a course in statistics. Peripheral data from any election is *impossible* to analyze on its own.

But we certainly can get a good picture of what really happened by comparing Libertarian vote totals to those of

the major parties. In 1996, Libertarian candidate Harry Browne got 480,000 votes; in 2000, he got just 380,000 votes.

In the 30 states won by George W. Bush, Harry Browne got a total of 215,000 votes in 2000, no fewer than he got in 1996. In the 20 states won by Al Gore, Browne's vote total fell from 265,000 in 1996 to 165,000 in 2000. The drop in Gore's states accounted for *all* of Browne's decrease!

What does this analysis mean? In states where G.W. Bush's electoral vote was more secure, people were more willing to "sacrifice" their vote to make a statement for the LP. But, where Bush was in trouble, Browne's vote fell by 40% as many switched to "the lesser of two evils."

Logic leads to the following conclusions:

1) Republicans have a centrist component more amenable to libertarian principles than do Democrats. The Libertarian pool for expansion lies in the Republican sector.

2) Contrary to the opinion of Jacob Hornberger ("A Time for Boldness and Integrity," February), the primary reason for the drop in votes given to Browne was *not* internal; it was external, beyond the influence of the LP. The Libertarian voters' perceptions of how close the presidential race was, more than any other factor, the major determinant of whether they voted for the LP presidential candidate, except for perhaps 75,000 hard-core Libertarians who will vote for the LP under any circumstances. □

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## Examining the Re-Examinations

by R. W. Bradford

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Most if not all of the examination of election returns within the Libertarian Party is for the purpose of manipulating data to make the LP's results look encouraging, presumably to maintain party morale and to expedite fundraising.

Richard Winger and Bernard Baltic are two of the very few Libertarians who investigate LP election returns in an attempt to glean useful information, and for that I applaud their efforts. Happily, they uncovered interesting correlations that I'd missed. Less happily, they also made serious errors, at least in my judgment.

First the new discoveries.

Winger's claims that the good work of talk-show host Neil Boortz helps explain why Browne did so much better in Georgia in 2000 than in 1996. This was the most anomalous aspect of the 2000 LP presidential race. Browne's vote share in Georgia rose by a whopping 80%, while his vote share elsewhere *declined* by an average of 29.6%.

Georgia was one of seven states in which Nader was not on the ballot, which no doubt undermines my hypothesis that a major factor in Browne's declining vote total was Nader's presence or absence on a state's ballot.

The Boortz factor is one reason that Winger dismissed that hypothesis entirely. His other reason is that in five of the seven states that Nader was not on the ballot, voters were allowed to write in his name, and his voters "did so in large numbers . . . Nader voters didn't say, 'Ah, shucks, my candidate isn't on the ballot; guess I'll vote for Browne instead.'"

I don't think this argument provides any significant support for his thesis. For one thing, the "large numbers" he cites are pretty small. In Georgia, for example, Nader got 13,273 write-in votes. That sounds like a lot, but it amounts to only 0.51% of the vote, a substantially lower figure than in any state in which Nader was on the ballot.

More importantly, I didn't suggest that Nader supporters wouldn't bother to write his name in. I speculated that, in the states without Nader on the ballot, Browne captured votes that might otherwise have gone to Nader from "casual voters whose opinions are superficial and who don't look very far into issues . . . [who] are simply annoyed with some aspect of current policy or want to avoid casting their ballots for a major party for some cranky reason," and went on to

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*Happily, Winger and Baltic uncovered interesting correlations that I'd missed. Less happily, they also made serious errors.*

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describe them as "whimsical," "startlingly ignorant," "not very committed to anything," and not even "aware of the issues that move Libertarians or Greens." Of course, those committed to Nader who could not find his name on their ballot would write it in, just as Libertarian voters who could not find their candidate's name on their ballot would write it in, just as I wrote John Hospers in on my 1972 Michigan ballot.

So how much does the Boortz factor in Georgia undermine my hypothesis?

Not very much, it turns out. Browne did 56% better in states other than Georgia in which Nader was not on the ballot than in states where he was. This is a huge difference. While it certainly doesn't entail the absolute truth of my hypothesis, it remains entirely consistent with it.

Curiously, though Winger discusses Browne's 2000 performance in non-Nader states, he does not compare it to Browne's performance in states where Nader was on the ballot. This is rather surprising, since this was the crux of my argument.

I am even less impressed by Winger's second argument. He asserts that "A better way of measuring Libertarian support in U.S. House races is to calculate the median vote percentage for every Libertarian candidate, in the districts in which both major parties ran candidates" rather than comparing the results in comparable districts, which is the usual practice.

He doesn't offer any explanation of why it is better to include districts not contested in the past, and for the life of me, I cannot conceive of any reason to do so. If you are trying to measure performance over time, you have to compare performance in the same races, just as retail chains eliminate new stores when comparing total sales.

Winger's data does suggest that the LP did better in races for Congress, state senates, and state legislatures in new districts than it did in districts it had contested earlier. This is

hardly surprising. Libertarians are less likely to field candidates in districts where their candidates did poorly in the past election and more likely to enter new races in districts where they have reason to believe they are most likely to do well, just as McDonald's shuts down its stores that are doing badly and opens new ones in locations where they have reason to believe they would do well.

I haven't had a chance to examine the entire data set to verify that this commonsensical approach explains the entire phenomenon, but I do know this much: In Washington, where I live, LP candidates have a long history of getting very good vote shares, even when the party is very small and inactive. In 1980, I moved from Michigan to Washington in the middle of the LP presidential campaign. At that time, Michigan had a large and very active party, while

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*How much does the Boortz factor in Georgia undermine my hypothesis? Not very much, it turns out.*

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Washington's party was small, fractious, and hardly campaigned at all. Yet Ed Clark, the LP nominee, did about three times better in Washington than in Michigan.

In the early 1990s, there was a consensus within the Washington LP that it should run very few candidates, in order to avoid paying filing fees, which ran a few hundred dollars for legislative candidates and about a thousand dollars for congressional and Senate candidates. This was the prevailing view in 1996, when the party did not contest a single race for Congress or the state legislature.

Wiser heads prevailed in 2000, and the LP fielded candidates for all nine Congressional races and 41 legislative races. Its candidates, on average, did substantially better than the national averages that Winger cites. None of this is remotely surprising, and nothing that happened here suggests an increase in the appeal of the LP — any more than McDonald's getting higher-than-average sales from a new store opened in Times Square would indicate that its appeal among hamburger consumers had increased.

Bernard Baltic discovered a very interesting correlation — Browne's relative vote share declined substantially in states that Gore carried, but hardly any in states carried by Bush\* — and proceeded to draw three conclusions from it that simply do not follow.

First, he concluded that Republicans are more amenable to libertarian ideas and that the LP has a better chance of attracting votes from Republicans than from Democrats. This may very well be true, but Baltic offers no explanation of how the data he cites supports this conclusion. For the life of me, I can't figure out any explanation.

His second conclusion — that the dismal LP showing was

not the result of internal problems, but, rather, the product of the "why-waste-your-vote" argument — has support, unless one believes that the "why-waste-your-vote" argument effects voter behavior only in states carried by Bush. I don't see any support for this belief, and Baltic offers none.

Indeed, the evidence strongly supports the hypothesis that the "why-waste-your-vote" argument was not much of a factor. In states where pre-election polls showed either a tie or a very small lead (2% or less), Browne's average vote share in 2000 was down 12% from 1996. In states where the race was considered to be a blowout (those with one major party candidate leading the other by 13% or more), Browne's average vote share in 2000 was down 12% from 1996 — exactly the same as in toss-up states. (For a more detailed analysis of the importance of the "why-waste-your-vote" argument in the 2000 LP presidential race, see "The 2000 Election," January).

So what can we conclude from the fact that Browne's relative vote share declined substantially in states that Gore carried, but hardly any in states carried by Bush? Darned if I know. □

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## Letters About Activism: Our Readers Have Their Say

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### Our Best-Selling Point

In the February activism symposium, Josh Corn says, "by letting people know that libertarians are not a bunch of anti-government extremists, we will increase our vote totals and be taken more seriously."

If you ask me, I would say the fact that libertarians are anti-bad-government extremists is our best selling point.

Mark Villa  
Tempe, Ariz.

### Putting an Idea to Work

I am taken with Randal O'Toole's idea of a liberty group based on the Sierra Club model. I was a member of the Sierra Club a number of years ago and feel that their methods have been successful — even as I came to question their mindset and motives. Like you, I applaud the LP's efforts with the Know Your Customer effort. To me, it was one of the most promising things the LP has done in many years.

The idea of building a non-partisan political action group to supplement the LP has merit. The tremendous amount of energy and money that is spent "playing the political game" comes with a cost. We have to spend large amounts of time and dollars on gaining ballot access and dealing with bureaucracy before we can even start to get the word out to voters. It's political stagflation.

The only way to get around the system is to work at the local, non-partisan level. That is one sure, steady way to build the party. But it really doesn't promote a faster growth or identity for the party. And, we lose potential new activists because we don't seem to be moving forward. The LP has taken a lot of criticism from *Liberty* and others for their out-

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\*Baltic's figures are slightly inaccurate, no doubt because he didn't have access to more complete returns. Browne's vote actually declined in Bush states by about 10,000 votes and in Gore states by about 94,000.



## *Libertarian Activism: Time for a Change?*

dated marketing approach. I'm starting to understand your point of view. Building a "Liberty Club" won't be an easy or quick solution, but it will give an opportunity to a wider audience than a partisan effort can. To say that it will take away from the LP is to misunderstand the creation of wealth. We can "create" more libertarians by using more methods of outreach and education.

As expected, the idea is receiving a cool welcome in our state party, but a couple of us are working on forming a "Liberty Club." If you know of others who are doing the same, would you please pass my name on to them so that we can coordinate, rather than duplicate, our efforts.

Randy Palmer  
Altoona, Wis.

### **About Time (and Money)**

The recent *Liberty* activism symposium is something the Libertarian Party has needed for a long time.

There were three types of proposals in the February issue:

1. The old party war horses who favor continuing on the same course we have followed for years, but are seeking some kind of 'improvement' to expand our acceptance among the voters.
2. Those who want to put all our effort into local politics, running for dogcatcher or alderman or such, just to get some libertarians into office.
3. Some who throw up their hands and essentially call for standing down as a political party and trying to influence the major parties through a variety of methods, including joining them.

The first proposal is a loser. There is just no way we can have any electoral success at the national level unless we have at least \$50 to 100 million to spend. We ought to save the money we have been spending on presidential and congressional campaigns. It is foolish to spend time, energy, and money collecting signatures to get on the ballot in states where we know we haven't a rat's patootie's chance of anybody actually being elected. And, it is doubly foolish to spend money running television ads at 3:00 a.m. in Cactus Junction, N.M.

Both the second and third proposals, however, hold some appeal, and I propose combining them. Let's turn ourselves into a "club," as suggested by Randal O'Toole ("Learn from the Environmentalists"), and run people in local elections, as suggested by Ken Sturzenacher ("Going Local"). I would suggest incorporating the ideas of Dwayne Monroe Depew ("Guerrilla Libertarianism") and Jane S. Shaw ("Seize Opportunities for Freedom") who advocate running for office as Republicans and Democrats.

O'Toole suggests calling his proposed umbrella activist organization the "Liberty Club," so it will sound like the "Sierra Club." I'd prefer calling it the "Libertarian Club," as many of the local groups do now. What this club would do is provide a base for organized promotion of our principles and, let's be honest about it, a mailing list to raise money at state and national levels to support activist groups.

Obviously, since we want lots of people to participate in club meetings, there should be no membership requirements and no oath. If people want to be a part of the Libertarian Party, they can do so with membership cards, dues, secret

handshakes, and oaths. But the clubs should make efforts to invite anybody to attend and participate — even Green Party tree-huggers.

These local clubs, besides being fun places for social outings, should recruit, encourage, and support people to run for local offices — preferably club members with pronounced libertarian leanings who may run in non-partisan elections, or as Republicans or Democrats, should the need arise.

We shouldn't try to run anybody for national office (unless he furnishes all the money needed) or even for state office until statewide club attendance shows a possibility of success or some unique opportunity presents itself. Save our money to pay for the national and state organizations (frugally) and support the local clubs as lavishly as possible.

Arch Wakefield  
Tega Cay, S.C.

### **Progress Through Diversity**

I was happy to read R.W. Bradford's article "It Seemed Like a Good Idea at the Time" in the March *Liberty*. It nicely addressed an issue that has been bugging me for a long time.

A favorite theme of libertarian writers is how wonderful it would be if only other libertarians diverted the time and money they spend on some particular libertarian effort to a particular libertarian program favored by the writer.

Bradford pointed out that it is a fallacy to think that reducing effort and money going to one activity produces a corresponding increase in the advocated activity, or even in any other libertarian activity. We must remember that volunteers work on the projects that they find appealing, and different people are attracted to political campaigning than are attracted to more intellectual efforts, while others are attracted to agitation or other activities. We need them all, and many more to achieve the liberty we want.

Our focus should be on promoting activities that attract volunteers. Systematic data collection and analysis could objectively show what attracts volunteers.

W. Alan Burris  
Pittsford, N.Y.

### **One Step at a Time**

What the LP has been attempting to do is contest the Democrats and Republicans on all fronts simultaneously. For a party of its size and resources, it is like Iraq trying to take on the western power alliance. To expect anything short of a devastating defeat is either delusion or stupidity.

The LP desperately needs a new strategy.

I suggest we focus on building support through demonstration. We frequently hear the refrain that one of the great boons of the federal system is that the states can function as living laboratories. In these labs, all kinds of political and economic experiments are conducted. Those that produce good results often have broad appeal and influence the policies of other states and even the national government.

What we libertarians need to do is to evaluate carefully each of the states and determine which one appears most susceptible to our message so that we can focus all of our resources on securing a beachhead in the selected state. From that point forward, the LP should focus on building a libertarian state government. That state then will become a positive example to the rest of the nation and show the nation what

the libertarian approach can accomplish. In addition, the process of establishing a libertarian state government would provide members of the LP with a solid grounding in the political process and produce politically experienced and seasoned leadership to move onto the national stage.

If the combined efforts and resources of the LP can't produce a libertarian state government, then the LP should accept that it reflects and probably always will reflect the thinking of a political minority.

David Center  
Conyers, Ga.

### Rights Are Not Enough

Your symposium on libertarian activism astonishes. Nary a one of the deep thinkers involved in the overall discussion came anywhere near mentioning the Libertarian Party's most obvious flaw.

Even after three decades of non-success, it still hasn't dawned on our party's leaders that a preoccupation with "rights talk" while ignoring "responsibilities talk" is a sure-fire recipe for political failure. The voters we must attract — those with brains who live and work in the real world — know that personal responsibilities and personal rights are equally important, and that any political group whose members deny that fact of life would probably operate in juvenile fashion if ever given political power.

Now, kindly note that I use the term *personal* responsibilities and am in no sense suggesting we advocate turning our responsibilities over to some level of government. This is what other parties do. What I suggest is precisely the opposite. Regarding education, for instance, LP candidates should say bluntly that the cost of all schooling — public, private, or whatever — is a personal responsibility of the parents involved rather than any kind of entitlement.

John M. Simons  
Sheffield, Vt.

### Summing Up . . .

Fabianism is the answer!

On the right track: O'Toole, Shaw, Sturzenacher, Bartlett, Depew.

Wrong: Dasbach, Nolan, Geyer, Corn.

Not wrong, but weak: Hornberger, Thomas, Johnston, Murphy, Johnson.

Don F. Hanlen  
Benton City, Wash.

### Back to Our Roots

I have a problem with the premise of what the Libertarian Party is all about. I was one of the founders of the party and was very active in it until the mid-'80s. The reason I gave for reducing my activity was constraints of time, but the real reason was I didn't like the direction the party was moving, and I saw no easy way to stop it.

I think that the LP was and is very successful, if you use the criteria that was used to form it. When the party was formed, very few members had any desire to be elected or appointed to political office. The reason was simple: We felt that a political party would get a few "bully pulpits" and some press, and perhaps we could change the ideas of a few people and reduce the rush to socialism. The possibility of

actually being elected to office was considered so small that what we would do if elected was not even an issue.

At that time, the purpose of the Libertarian Party was education.

Today, its purpose is gaining power and getting elected.

The LP has been very unsuccessful at electing its candidates, as has been documented very well in *Liberty*. The LP has, however, been very successful at education.

When we started the party, our country was so socialized that freedom could be found only in a dictionary, and libertarian could not even be found there. Now libertarian is used by political pundits to describe the type of freedoms we want. That is education. We are influencing the mainstream. Yes, I know the only difference between Democrats and Republicans is how and where they will remove freedoms, but there are some statist platforms that the major parties have abandoned (at least for a while) and others that they have toned down.

If our purpose is merely to be elected to office, we will have to "play the game" by the established rules. But to play by the established rules, we will have to abandon our core philosophy and principles. That is, we will have to say whatever it takes to get elected, promise everyone everything, and do it better than the wealthy established parties. This can be done — just look at the campaigns of Ross Perot and Jesse Ventura. Is this what we want?

James H. Ward  
Elgin, Ill.

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### Wrecking the Rails, from page 35

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inferior to some of those of the past. As the hysteria about the risks posed by genetically modified crops rages in Europe and the U.K., it is barely noted that these crops already provide tremendous benefits and that any new problems might admit of solutions. There is a scary story in the media at the moment that long-haul plane travelers are proving susceptible to blood clots. Predictably, some passengers are already planning to sue the pants off the airlines. One might forget for a moment what a tremendous improvement mass air travel has brought to the quality of most people's lives. One might remember that a litigious culture that panics when faced with the smallest failure might also make innovation less worthwhile.

In 1830, the Liverpool and Manchester railway was opened to link these two great industrial centers in the North of England. The opening ceremony attracted such 19th century luminaries as the Duke of Wellington, Sir Robert Peel, and William Huskisson, a government minister who had been both a champion of the new railways and a trenchant supporter of free trade. Huskisson was struck down by Stephenson's train, the *Rocket*, and later died. We should remember that this accident did not halt the hugely beneficial railway development of the 19th century. The Hatfield crash and the subsequent panic should not be allowed to prevent the necessary rejuvenation of the British railroads in the 21st century. □

# Purging the Libertarians

*by Adam Hume*

The Christian Right has instigated an attack on libertarianism within Britain's Conservative Party. Tory libertarians are asking whether it is time for a divorce.

The libertarian presence in the Conservative Party grew from activists discovering libertarianism through the Federation of Conservative Students (FCS) in the 1970s and 1980s. Inspiration was drawn from the publications of the Adam Smith Institute, Institute of Economic Affairs, The Freedom Association, and the Libertarian Alliance. Books by Hayek, Friedman, and Rand were devoured by students who, like their U.S. counterparts, were thirsty for radical ideas. Several ex-FCS libertarians subsequently became Conservative Members of Parliament; some even serving as ministers under Margaret Thatcher and John Major.

The Major administration paid a heavy price for the recession that arose from entry into, and subsequent ignominious withdrawal from, the European Community's Exchange Rate Mechanism.\* It ruined the Tories' reputation for sound economic management and the poll ratings have never recovered. Following John Major's resignation as party leader immediately after Labour's landslide victory in 1997, the relatively inexperienced William Hague was elected Conservative leader.

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\*John Major, as Treasury Minister, had convinced Margaret Thatcher, against her instincts, to enter the ERM. He then replaced Thatcher as PM when she was ousted in a "cabinet coup." The entry rate of £1 to 2.95 DM was too high for British business and led to a recession. The natural response to lower interest rates and let Sterling float down was no longer available. Opportunistic foreign exchange traders knew that the exchange rate was unsustainable. They sold Sterling in bulk and the Treasury spent a large proportion of its reserves trying to support the currency. When that failed, interest rates were raised to a staggering 16% on "Black Wednesday." The traders knew that it was a bluff and continued to sell Sterling. Later that day the government realized that it was beaten and left the ERM, cut interest rates to a realistic level and let Sterling float freely down to its market rate. The economy recovered and Sterling has floated freely ever since.

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Hague's campaign team included some libertarians, several of whom had worked at the Adam Smith Institute or the Institute of Economic Affairs. The team was lead by Alan Duncan MP, an open libertarian whose book *Saturn's Children* (coauthored with Dominic Hobson) proposed a radical, limited government program. Hague, who had shared Duncan's house near Parliament, was thought to hold similar views.

Experience has sadly shown that such optimism was misplaced. Libertarians are regularly attacked by the Tory leadership following an opportunistic takeover by the "Christian Right."

The size of the 1997 election defeat, combined with consistently low poll ratings in the following year, resulted in a severe loss of philosophical confidence within the party leadership. David Willetts MP, a former director of the Centre for Policy Studies, founded by Margaret Thatcher in the mid-1970s, seized control of Tory policy. Willetts wrote prolifically for the Social Market Foundation from which the Conservatives recruited three senior policy advisers. All three had chosen to join the Social Democratic Party, founded by disenchanted Labour ex-ministers, in their youth. Policy was based on focus-group research rather than free-market principles. Privatization was seen as an electoral liability. The Thatcher legacy was not to be defended; policy advisers were told to "concede and move on."

Desperate for new ideas, they turned to Ontario where the local Conservatives, following an equally disastrous elec-

toral defeat at the national level, had returned to power. The slogans of "Common Sense Revolution" and "Kitchen Table Conservatism" were plagiarized unashamedly. Unsurprisingly, the victorious Ontario policies of large tax cuts and reductions in government spending, especially welfare, remained on the other side of the Atlantic.

The attack on libertarianism soon followed. Hague, in a major speech to the Social Market Foundation, claimed that "libertarianism easily descends into a refusal to recognize

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*Conservative leader William Hague proudly confirmed on the BBC that the Tories had abandoned ideology in favor of pragmatism.*

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that social policy means more than simply being a referee in a match fought between opposing ways of living" and added "the real link between free-market economics and these Conservative insights is neither high public spending nor libertarian indifference to the way people lead their lives."

Hague's policy chief, Peter Lilley, in a key policy speech, committed the Tories to maintaining the dominant role for the state in the provision and funding of health, education, and welfare. He chose to label his opponents as anarcho-capitalists — "a little known sect of whom there are probably only a handful at liberty who believe that the model of autonomous individuals interacting without the intervention of the state can be applied to every aspect of human affairs." Few, however, of his audience would have heard of anarcho-capitalism, and even fewer would have known what it really meant. The real message was that only extremists would oppose this commitment to the welfare state.

Libertarians were appalled by Lilley's speech and rejoiced at his sacking soon afterwards. To their dismay, the main beneficiary was Miss Ann Widdecombe, who was promoted to Shadow Home Secretary. She is a 53-year-old virgin who converted to Roman Catholicism from the Church of England in protest against its ordination of women priests. She forced Duncan to drop the chapter proposing drug legalization from the reprint of *Saturn's Children*. Her hostility to homosexuals seems to be limitless — and in the unlikely event of a Conservative electoral victory, she would control legislation on justice, censorship, sexual, and moral issues!

Under the patronage of Hague, Willetts, Lilley, and Widdecombe, the Conservative Christian Fellowship (CCF) has been transformed from a pressure group to an official party organization with a strong grip on policy. Its Web site is peppered with articles calling for censorship, the banning of abortion, stricter divorce laws, and support for the welfare state. The CCF is leading the fight against libertarianism amongst party activists. Its publications portray libertarianism as an anti-religion, anti-marriage, anti-family, pro-abortion, libertine philosophy that promotes drug-taking and pornography. Willetts, in a CCF speech identified the key debate as "the extent to which Conservatism would be influenced by libertarian thinking" and hoped that "libertari-

anism's influence would be limited."

These attacks are especially notable because there is no organized libertarian presence in the Conservative Party; there is no British equivalent of the Republican Liberty Caucus. Libertarian Tories have historically campaigned with right-wingers on economic issues. The Libertarian Alliance has made little impact on Tory thinking in recent years. Its membership is in the hundreds rather than thousands.

The drift to social authoritarianism has only been questioned publicly by a small vocal minority. A leading critic is Michael Portillo, Opposition Treasury spokesman, who has angered right-wingers by revealing a gay past and arguing for more "inclusive" policies on gay and racial issues. Influential columnists — Michael Gove and Tim Hames in *The Times* plus former Tory MP Michael Brown in *The Independent* — have repeatedly called on the Conservatives to adopt libertarian policies to widen their electoral appeal.

The CCF magazine responded:

*The Times* has become the self-appointed champion of the libertarian right. Michael Gove pens tributes to the social liberalism of Michael Portillo. Conservatives should not be alarmed by the hysterical attacks from *The Times*. We have to thank God that these people are not representative. If there is no objective truth outside of the libertarian ethic then there are no limits to the depths to which this ethic might descend.

If anyone else had publicly attacked senior party figures in such terms, they could expect to be disciplined or even expelled. Different rules apparently apply to the Christian Right.

At last year's annual party convention, Widdecombe proposed a draconian "zero tolerance" policy of high fines and long jail sentences for possession of soft drugs. It soon became unstuck when no fewer than eight senior members of the Shadow Cabinet, who had not been consulted, admit-

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*The Conservative Christian Fellowship has been transformed from a pressure group to an official Conservative Party organization with a strong grip on policy. Its Web site is peppered with articles calling for censorship, the banning of abortion, stricter divorce laws, and support for the welfare state.*

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ted to taking marijuana in their youth. One even had the courage to admit that he had enjoyed it. Widdecombe was forced to retract in favor of a "consultation" that has yet to materialize. She had, unwittingly, opened up a fierce debate on social policy.

The traditionally conservative *Spectator* magazine came out strongly in favor of drug legalization. Under Boris Johnson's editorship, it has taken a consistently libertarian line on controversial issues. On foreign policy, it is unfashionably anti-interventionist. Johnson is a humorous eccentric

who enjoys a high public profile, a major factor in securing him the nomination for a safe Tory Parliamentary seat. No other openly libertarian candidate has been so lucky; an aspiring candidate has to appeal to local activists with an average age exceeding 60 years.

The effect of this opposition has been to stiffen the resolve of the CCF, especially its board member Lord Brian Griffiths. A monetarist economist, Griffiths was Head of the Downing Street Policy Unit under Margaret Thatcher and is an influential voice in the Centre for Policy Studies. His CCF Wilberforce Lecture was a vitriolic attack on classical liberalism and libertarianism. Griffiths argued that:

... a Conservative defence of the market needs to be distanced from that form of secular liberalism which underpins the defence of free markets by economists such as Friedman, Becker, and most of all Hayek. Secular liberalism has been and continues to be the enemy of conservatism. It has no respect for tradition, it has no objective standards of morality, and it has no anchor which gives stability to the social order.

The rejection of Hayek is remarkable. Margaret Thatcher made him a "Companion of Honour," one of the most prestigious awards in the U.K. Thatcher reportedly slammed a copy of *The Constitution of Liberty* on the table during a cabinet meeting and declared "This is what we believe!" It seems that her policy chief did not agree. Hague himself recommends Hayek on the Adam Smith Institute Web site but appears to demonstrate little understanding himself.

Griffiths, however, went further and made it clear that he does not want libertarians in the party:

... the danger we face today is to be seduced in the name of tolerance by a libertarian social philosophy, which contains no objective standards of morality ... Conservatism has always stood against libertarianism, as the negation of everything it stands for. If the Conservative Party were to become libertarian it would in my judgement be the end of the Conservative Party as we have known it.

In December, at a Centre for Policy Studies debate on "Is the future of the Conservative Party libertarian?" a Tory MP privately lamented that "there are not many of us libertarians left!" Griffiths and Willetts, who naturally led the opposition, would regard that comment as a major victory. Five CCF activists, including its director and executive chairman, were then headhunted to run a well-financed official Tory project that promotes political social engineering, e.g. sexual abstinence by young people. This clique has effectively hijacked social policy and is seeking activists' donations to expand its program.

Hague proudly confirmed on the BBC in late February that the Tories had abandoned ideology in favor of pragmatism. As the general election approaches, this pragmatism includes increasing government spending in line with inflation and economic growth. The Tories promise to match Labour's profligate spending plans on health, education, and welfare. Hague wishes to tighten immigration controls and to detain political asylum seekers whilst their cases are being processed. Widdecombe plans a drug war and an increase in state monitoring of the Internet and e-mails. Other policies include extending the use of asset forfeiture to fight crime, even for motoring offenses, and a ban on new cell phone towers!

This authoritarian agenda is promoted under the veil of the Bush mantra of "Compassionate Conservatism." These

policies actually differ little in substance from those of the Labour government. Voters, faced with a choice of three "big government" parties, have little reason to change their loyalties. Conservative support in opinion polls has, with the exception of a brief period during the fuel tax protest,\* hovered around 30% since the 1997 election. Such is the success of "pragmatism."

Tory free marketeers are despairingly silent, fearful of being seen as disloyal and fearing possible damage to their future career prospects. Some privately hope that the inevitable election defeat will result in a change in leadership. If Hague loses and is deposed, the subsequent leadership election may provide an opportunity to choose a successor, per-

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*Tory free marketeers are despairingly silent, fearful of being seen as disloyal and fearing possible damage to their future career prospects.*

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haps Portillo, who is more sympathetic to libertarianism. It is more likely, however, that an authoritarian, e.g. Widdecombe, will be voted in by the party's aged membership.

A key factor could be the success of libertarians in influencing the Bush administration. Where America leads, Britain usually follows. Gale Norton's appointment as interior secretary provides hope. It is a healthy sign that Sen. George Allen can comment, "I like the Libertarians! They have a lot of good ideas, and we agree on many issues. There are issues where we differ philosophically, but Libertarians are good people." No senior Tory would dare to make such a comment today.

These events suggest that the Republican Party may now be open to libertarians and their ideas. Libertarians in the GOP should grab an opportunity that may never be repeated. The LP's acceptance of Gary George, an Oregon state senator (even though he is retaining his Republican membership and registration) may mark the start of a positive trend. The LP should try to recruit more libertarian office-holders and candidates. Tactically, it should focus on removing "big government" politicians from office. Libertarian attempts to take over the GOP may be overly optimistic. But libertarians could play a vital role in building links between the parties.

The Libertarian Party remains the natural home for those unwilling to compromise their principles in the pursuit of political power or office. In the 2000 presidential election, every American citizen had at least one opportunity to vote Libertarian. This is a major achievement in itself. British libertarians do not have this luxury and currently lack any political leverage. They too will need to reconsider their tactics and allegiances after the general election. Ironically, as Americans doubt the value of the LP, a British Libertarian Party has more appeal now than ever. □

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\*See "The Peasants Revolt," by Stephen Berry, *Liberty*, November 2000.

# Smoke Detectors

*by Chris Henderson*

*"Only in a  
police state is  
the job of a  
policeman  
easy."*

*— Orson  
Welles*

It was a Thursday afternoon and the traffic on U.S. 70 was busy. Lee had driven this route daily for nine years, and he was used to it by now. He knew that tomorrow's traffic would be even worse. Fridays on the interstate were always bad. Today's drive home wouldn't be too bad. The weather was nice, and it was about time for the long block of commercials on the car radio to give way to music.

As he drove, Lee liked to look at the other cars around him. Actually, he looked at the drivers and passengers in those cars. This form of people-watching helped him pass the time. He occasionally would spot the same driver from a day or so ago. This was the only bit of variety his mind could muster during the long drive. They, like him, were making their daily trek, either to or from work. Today he spotted a middle-aged man in a tan compact whom Lee recognized from Tuesday's drive home. His haggard-looking face and funny glasses made him easy to remember.

As he watched this man pass him and exit the highway Lee scanned his eyes in search of any more of his fellow commuters he could recognize. As he did, he heard a familiar jingle on the radio. It was a very catchy tune. Lee wasn't paying too much attention to this or any of the other commercials, but he knew this one was explaining one of the latest public safety mandates. It was difficult to tell which one — they all used similar sounding music. But when he heard the child's voice at the end, he knew which one it was. And he smiled. Anytime one of these commercials ended with a child's voice, it usually meant the new measure was aimed at helping kids. Lee recognized the child's voice coming from the radio as the same one in the TV commercials talking about the same issue: one of the amendments to the child labor and protection mandate.

Lee smiled as he listened to the child's voice thank Sen. Ryker and Sen. Bowman. They were the original sponsors and the ones who added on the provision protecting teenagers from being taken advantage of by parents who might stay out too late. Now private teenage baby sitters wouldn't have to work more than four hours each day. The commercial had explained why it was necessary and how it would help. Ryker and Bowman wrote many laws to help both adults and children. This was their latest.

Lee was glad when that law passed. Even though it meant his wife had to change to a part-time job to watch their two children. They simply couldn't afford day care, and hiring two teen sitters to work in shifts was illegal. So his wife switched to part time to watch their kids in the morning, while a sitter watched them in the afternoon. Lee felt that it was important for young job seekers to be protected. He even somehow



felt that he and his wife were doing their small part to help all of those teenage baby sitters enter a more fair and equitable work force. In a way, it was noble that his wife had to quit her old full-time job.

The commercial ended and music — non-jingle music — now poured from the speakers. Lee had only one more mile to his exit when the semi in front of him started slowing down. His mind quickly calculated whether or not he had enough time to pass it and still make his exit. It looked like he would have more than enough time and room, but just as he got ready to pass the truck, its hidden recessed side gates started to deploy. It was an unmarked police semi-truck. Its hinged black and yellow arms extended downward and outward, blocking two of the three lanes of the highway. The blue and red lights on the gate's arms now started flashing.

*Lee and everyone around him were now sandwiched in between the two police trucks and were being "randomed."*

Lee looked in his rearview mirror. Several cars back was the aft police truck. Its arms were also fully deployed by now. Lee and everyone around him were now sandwiched in between the two police trucks and were being "randomed." Lee let out a sigh. Not that it bothered him being stopped; he understood and appreciated it — the agents were just out to find criminals. He just was in a hurry to pick up his kids and get home. So while he didn't look forward to being a little bit late, he was glad he lived in a country that cared enough to go to all this trouble to keep him and his children safe. When he thought about it that way, Lee smiled.

His car's engine quit. It, and everyone else's between the two police semi-trucks, had been electronically shut down. Probably from the command center, usually located in the aft truck. The music from the radio also stopped. In its place came the usual instructions on what was happening. Again, this was probably broadcast from the aft truck. Lee struggled to operate the steering wheel and brakes, now devoid of power, as his car came slowly to a complete stop. About 20 cars in each of the center and right lanes were now, quite literally, parked in the middle of the interstate. The aft truck directed the cars lucky enough to be behind it around and into the far-left lane. They were let through. Lee and the other cars were now completely blocked in. Dozens of police agents jumped out of the backs of both fore and aft trucks. Their shiny black exo-vests and body armor gleamed in the late afternoon sun. Their Kevlar helmets had the Ohio Metro Commuter Patrol emblem on the front. Two agents, their machine pistols drawn, converged upon each stopped car. Lee's was the very first one approached since he was directly behind the fore truck. One of the agents slapped a familiar large neon-orange number sticker on his windshield, while the other one opened Lee's driver side door.

"Let's go," said the agent. "You know the routine." Indeed Lee did. He had been "randomed" three times before. Not including the mock random stop he had to go through in order to get his driving privilege permit. And for those few that had never been stopped before, there were the constant commercials on television and radio to inform people

of the process. But since Lee had been through it all before, he simply got out and bent his head down as the agent slipped a neon-orange number badge over his head and neck. This number that now hung by a thin chain around his neck corresponded to the number stuck on his car. Every driver stopped now had his car numbered and was, in turn, receiving his matching number badge. Lee followed one of the agents to the back of the police semi-truck. The other agent stayed behind and got into Lee's car.

"Watch your step," said the agent as Lee stepped up into the truck. Lee walked through the metal detector situated at the opening of the back of the tractor-trailer. The agents walked around it. Several agents were now escorting the various drivers into the tractor-trailers of both the fore and aft trucks. Inside each trailer several black leather chairs lined both walls from front

to back. Computer terminals and other various pieces of electronic equipment took up the middle of the trailer. The agent commander and a few others sat at these terminals. Lee followed his agent and took a seat in the contoured chair that the agent gestured toward.

"How long is this going to take?" asked one of the drivers as she stepped into the truck.

"Be quiet, ma'am," said her agent. "Just have a seat."

"But I'm in a hurry."

"So are we lady. We've got twelve more stops tonight. We all want to get home just as much as you do. So the quicker you cooperate with us, the quicker we can all go home."

"I've never been stopped before," said the lady. The agent said nothing. He just sat her down.

Lee never really talked with the agents when he got stopped. He knew it would just slow up the procedure. That's what it said on the commercials. He just sat in his chair and turned over his right arm. As he did, the agent made a cursory wipe with an alcohol pad and then inserted a needle into Lee's arm. Lee turned away. He could never watch when they did it. It wasn't necessarily the sight of blood that bothered him, but seeing the needle in his arm was what made him queasy. He was always glad when he felt the agent withdraw the needle. He turned back to see the vial was about three-fourths full of his blood. The agent popped the vial out and put it into the centrifuge attached to the side of Lee's chair. Flipping a switch, he set the machine into motion. The agent now pulled down the cylinder connected to the top of the chair. He uncoiled the wires that were hooked to it and attached its electrodes to Lee's forehead.

"Ouch!" cried the lady who, just moments before, was complaining about how long it would take. Lee turned to look at her. He saw her agent wiggling the needle around trying to get some blood.

"Don't look over there," said Lee's agent. "Just look straight ahead. Left arm please." Lee held his left arm out. The agent placed an air-pressure cuff around Lee's upper

arm. "Place your fingers in the receptacles." There were four rubber tubes at the end of each arm of the chair. Lee slid his fingers into them. The agent then attached two large alligator clips to Lee's exposed thumbs. Reaching around to the sides of the chair, the agent pulled out both sides of the large torso collar. Using its Velcro attachments, the agent tightened it around Lee's upper body. As he did, Lee heard the familiar sound of the centrifuge slowing down and stopping. The agent reached down and transferred the vial of blood into the analyzer. Just as Lee was all ready to start answering the set of Bowman Questions, one of the agents from outside ran into the truck. He ran over to the commander, who happened to be near Lee's chair. Lee could hear the man as he spoke in a soft voice.

"We can't get one of the trunks open," he said.

"The Omni-key didn't open it?" said the commander in disbelief.

"No. We tried the mechanical and the electronic ones. Neither of them will do it. And get this. Its ignition still works."

"Which number?" said the commander.

"One-Eight-Nine-Nine-A-H-One-Nine-Three-Three," replied the agent.

"Who has 1899AH1933?" yelled the commander.

"Right over here," said an agent on the opposite side of the truck as Lee.

The agent went over to the person sitting in the chair. There, hanging around the neck of a short, yet well-built, redheaded man was the number the agent was looking for. "Sir, come with us and open the trunk of your car."

"Can't you get it open officer?" said the man with a sly grin on his face.

"Just come with us and open it."

Lee saw the agent withdraw the needle and the man undid the lie-detection equipment that held him to the chair, and got up. As the agent who couldn't get the trunk open was escorting him out, another agent went over to his empty chair. "Let me know when his blood work is done," he said to the agent who was interrogating him. "As a matter of fact, bring the report out to me when it's finished." He turned and went outside.

Lee had never heard of an Omni-key not being able to open something. It was illegal to have any lock on your house, car, or anything that a federal, state, or local Omni-key couldn't open. The television and radio commercials kept telling how the new locks would prevent crime. He didn't know if it was some sort of malfunction or if, perhaps, the redheaded man was a smuggler or pusher. In the back of his mind, he slightly hoped for the latter. Not that he liked criminals, but the child in him thought it would be exciting to be so close to the action as the police caught a smuggler/pusher. But then he quickly remembered the lie-detection equipment that was encasing his body. That made him quickly think of something else, anything else. He wasn't

sure if wanting to possibly see a real life criminal and the excitement of it all would cause negative feedback. The government commercials reassured him that such thoughts, while not appreciated, would not cause false readings. He tried hard to not think about any doubt he might have in his mind. He knew the Bowman Questions were coming up. He turned his mind to the more pleasant thoughts of picking up his children and having a nice dinner with his wife.

"OK, let's begin," said Lee's agent.

"Have you ever taken, smoked, injected, ingested, imbibed, sold, bought, or possessed any banned substance and/or item?" asked the agent in a monotone voice. It made Lee feel as if the agent had read the set of questions so many times that he was just now reciting them without even thinking anymore.

"No," replied Lee truthfully.

*Dozens of police agents jumped out of the backs of both fore and aft trucks. Their shiny black exo-vests and body armor gleamed in the late afternoon sun. Their Kevlar helmets had the Ohio Metro Commuter Patrol emblem on the front.*

"Do you know of anyone who has taken, smoked, injected, ingested, imbibed, sold, bought, or possessed any banned substance and/or item?"

"No."

"Have you ever made or thought any disparaging, vulgar, critical, racist, sexist, bigoted, prejudiced, or harmful

statements or comments toward any protected group and/or individual?"

"No."

"Have you ever made or thought any disparaging, vulgar, critical, racist, sexist, bigoted, prejudiced, or harmful statements or comments towards the president, Congress, the Senate, or any other government employee, either federal, state, or local?"

"No."

"Do you know of anyone who has made or thought any disparaging, vulgar, critical, racist, sexist, bigoted, prejudiced, or harmful statements toward anyone in the government or any protected individual and/or group?"

"No."

"Have you ever critically questioned any law, regulation, mandate, statute, and/or official rule?"

"No."

"Have you ever critically questioned the president, Congress, Senate, and/or any member of the government, either federal, state, or local in their official jobs and/or duties?"

"No."

"Do you swear to obey and abide by all the laws, regulations, mandates, statutes, and official rules set forth now and in the future by your government at federal, state, and local levels?"

"Yes." Lee was extra careful about making sure he said the word "yes" after so many "no" statements that preceded it. He thought it wasn't too smart to make the order of the questions so that a person could accidentally slip and say "no" when they meant "yes." But then he quickly thought

better of those thoughts. That might be considered too critical and give a bad reading on the lie detector. And after all, thought Lee, the government and the Bowman Committee knew what they were doing when they came up with these questions.

The questioning continued:

"Do you swear to promptly report any person and/or group who does break and/or advocates breaking any law, regulation, mandate, statute, and/or official rule?"

"Yes."

Just then, there was a commotion coming from several chairs down. The lady who had been complaining earlier was starting to cry. The agents had pulled her up from her chair. "No, I've never said or thought anything like that! Never! I'm not bigoted towards anyone! I love everyone! It's mistaken!" she cried. "Ask me the question again. No, please!" By this time she was in complete hysterics. Her words were, by now, completely unintelligible. The agents electrocuffed her and escorted her outside by picking her up under her arms and carrying her since her legs seemed unable to work due to her agitation.

"Don't look over there," snapped Lee's agent. Lee turned away and looked straight ahead. He continued, "Do you understand that every answer you have given and/or refused to give can be used against you by a magistrate at any future trial, be it yours or someone else's?"

"Yes."

"Do you swear, under penalty of perjury, that every answer you have given here is the truth, the whole truth, and nothing but the truth?"

"Yes."

Lee knew when he heard that last question that it was just about time to go. He smiled and thought of his dinner that evening with his wife and kids. It looked like he would be able to pick up his kids in time.

"OK, sir if you want to come with me," said the agent who had just read him his Bowman Questions.

"Isn't it over now?"

asked Lee.

"Not for you it isn't. If you'll look at the monitor on the right side of your chair, I think you'll see. Your blood work turned up traces of tobacco elements. You're under arrest."

Lee was in shock. He had never done tobacco in his life. He hated the drug and all those who pushed and used it. His first thought was that this was too good an area. His neighborhood was nearby. There couldn't be tobacco here. He didn't want that stuff around his kids. But then he immediately realized the grave nature of the situation. "There's been some sort of mistake," said Lee, his voice quivering.

"Yeah, there always is," said the agent sarcastically. "You have the right to confess. Should you give up that right you will be judged by a state-appointed magistrate; you have the right to forfeit any property used in your crime." Lee had heard these Bowman Rights read so many times on police TV dramas, but he never thought he would hear them being

read to him.

"Well pal, the ball's in your court. What do you want to do?" asked the agent as he was filling out a form on his data disk.

"Look, if I could just talk to you for a second," said Lee. "I don't smoke. Your analyzer has made a horrible mistake. Here take some more blood," as he held out his arm.

"No time for that, Smokey," the agent said sarcastically. "You can bitch and moan all you want about the supposed faulty analyzer, but the truth is, science don't lie." Lee cringed at the agent's misuse of the English language. "Traces of tobacco elements were in your blood. That's a fact. It's also a fact that you're going to jail. I'll give you one more chance to exercise your Bowman Right to confess."

Lee felt like he was outside of his own body watching all of this unfold before him. His mind couldn't think clearly. He was numb all over. All he could manage to say was, "But I don't smoke."

"You had your chance," said the agent. He grabbed Lee up out of the chair. The Velcro body collar made a ripping sound as it unattached and dropped back into the chair. The electrodes on Lee's forehead fell free. The agent yanked the air-pressure cuff off his arm and spun Lee around. Lee was shocked at the amount of force that was being used on him. He would have turned around on his own if the agent had simply asked him to. But then his mind began to think of a thousand different things seemingly all at once. He thought of his wife waiting at home. He thought of his children that he had to pick up. His wife wouldn't get off work until 7:30 p.m., and if he didn't get there by 7:00 p.m., his baby sitter would have to turn the children over to the state-run sitting service. That would mean a fine and a negative mark on his parenting permit license. He thought about what his neighbors would think when they heard he'd been arrested for tobacco. He thought about losing his job. His boss was required by law to fire him if he was convicted of tobacco use. But then, suddenly, he thought about how the lie detector didn't give off its telltale audible buzz on any of his

answers. A huge wave of relief came over him.

"That's it," he thought.

"Officer! Wait! The lie detector. It didn't buzz on any of my answers!" Lee said, happy that he was able to point out the mistake in the blood sam-

*Lee never really talked with the agents when he got stopped. He knew it would just slow up the procedure. That's what it said on the commercials.*

ple. "You asked me if I did any drugs. The machine will back me up. You yourself said," Lee slowed down his train of thought to quote the agent, "science don't lie."

"Are you trying to get smart with me?" snapped the agent.

"No, but wait, I . . ."

"If you question the results of the analyzer, you could face another six months."

"But you're questioning the results of your own lie detector?" Lee said, not realizing any error in his reasoning.

"And now you're questioning me and my authority over you. And I'm a government agent. That could get you another six months on top of the first." The agent smiled as

he said it.

Lee wasn't even aware of all the other drivers around him in their chairs watching his arrest. Their agents were all telling them to not watch and to look forward as they went on with their interrogations.

The agent now had Lee in a headlock while another placed the electrocuffs on him. Lee was spun around and one of the agents jammed an optical recognizer up around Lee's right eye. With a press of a button it had snapped a digital picture of Lee's retina. The agent plugged the recognizer into the port at the computer in the center of the tractor-trailer. A few movements of the mouse later, and the agent said, "Lee Roger Eugene. 319 Losif Ave. Age: 34. Married. Two kids. Occupation: video production."

"He probably makes those illegal videos on how to grow pot and tobacco. Don't you, Smokey?" said an agent as he jabbed Lee with his finger. "We'll be sure to check that out." The other agents laughed. Lee thought about how that could be considered a disparaging remark made towards him. But he was not in a protected group. Especially not now that he was an accused drug smoker.

"No, I make insurance training videos," Lee started to explain, almost reflexively.

"Shut up," said an unseen agent behind Lee. "I think I can smell the disgusting smoke coming out of your mouth every time you open it. So keep it shut!"

Two of the agents led Lee out of the back of the semi. The walk seemed much longer going out than it did when he came in. He was now acutely aware of all of the other drivers still seated in their chairs. They were all looking at him. He had heard the expression of being able to feel someone looking at you. He now knew exactly what that felt like. He also felt so ashamed. He didn't want any of them to think he was a smoker. He thought about the redheaded man whose trunk the agents couldn't get open. He felt bad for even remotely thinking that he might be a smuggler/pusher. But, as he stepped outside, he could see the police had that same man on the ground. Two agents had their knees on his back. About half a dozen machine pistols were aimed at the man. His trunk, now forced open via a pneumatic crowbar, was being photographed and taped by the agents.

The agents led Lee over to his car. "Find anything Jack?" asked the agent who electrocuffed Lee.

"Nope. All clean on this end," said the agent in Lee's car. He turned off the ultraviolet scope he was using and got out. "Trunk checks out too."

"Well the driver didn't check out too well," said the agent. "From the strength of the tobacco readout in his blood work, he's done it pretty recently. If he ain't got any in there it must be close by. Check the car's GPS backlog and find out where he's been in the last couple hours. We'll check up on wherever he's been. We'll find it. Come on, Smokey," said the agent as he yanked him away from Lee's car.

There were two black unmarked armored police vans parked behind the aft police semi-truck. The complaining

lady from earlier was being loaded into the back of one of them. She was still crying.

As Lee was being led toward the other van, he and his agents passed the redheaded man's car with the now pried-open trunk. Lee looked in. It was full of cartons of cigarettes. Lee knew what they looked like from television several years back. TV commercials used to show actual cigarettes in the anti-drug campaign. Of course, it was illegal to show the real thing on television ever since the official Declaration of War was signed and enacted. Lee also saw some bottles of an amber colored liquid in the trunk.

"Can I, or one of you call my wife? I need to tell her I'm . . ."

"Shut up, Smokey. You should have thought about your wife before you started lighting up."

"What about my car? My wife can come get it."

"Not gonna happen.

Your car is impounded. You used it in the commission of a crime."

"But I didn't . . ."

"What do you call driving under the influence of tobacco?" asked an agent.

"Yes, of course that's a crime, but I'm telling you . . ."

"I swear to God, if you don't shut your mouth, I'll shut it up for you!" yelled one of the agents. As he said that, Lee could feel the jolt of the electrocuffs as they were activated. He buckled at his knees and let out a sharp yell in pain.

"I told you to shut up." Another jolt from the cuffs surged up Lee's arms and into his body. This time Lee didn't yell.

Lee was led past the aft police truck to the second of the two large black unmarked armored vans.

The agents opened the back and threw Lee in. He was now absolutely terrified. Now he too began to cry. After what seemed like an eternity, the back of the van opened up and there stood the redheaded man. He was also electrocuffed. Lee thought it was now safe to presume him to be a smuggler/pusher, since that was what he clearly was. He was now even more frightened that he was going to be locked in with a criminal. An agent shoved the man up into the van and closed the back doors. The man took a seat opposite of Lee. Lee didn't look at him. He didn't want to make any eye contact at all.

"So whatcha in for," said the redheaded smuggler/pusher.

Lee was afraid to say anything. But he was also afraid that if he didn't say anything, the man might get violent. He was a criminal after all. The pros and cons of talking versus not talking flashed back and forth in Lee's head. Finally, he decided it was safer to speak.

"I'm innocent," he said.

The smuggler/pusher laughed. "Yeah, so am I!" he said laughingly.

"No, really," Lee protested.

"OK, I'll bite, what was it you didn't do?"

"They say I smoked," Lee said with a hint of whining in his voice.

"Whatcha sm . . . err, I mean, what did they say you smoked?"

*"Your blood work turned up traces of tobacco elements. You're under arrest."*

"They said they found traces of tobacco elements in my blood. But my lie detector was all positive. I don't understand."

"Yeah, I never trusted those lie detectors either. I mean I got friends who swear by all the tricks and shit to get around them, but I've always just lied through my teeth and they never once caught it. But you know what's so funny? The agents still actually believe those things work! I think it's like a superstition or something to them. The more it don't work, the more they believe it does! Kinda like astrology, huh? I'll bet they buy into that as well."

"No," protested Lee. "You don't understand. I don't smoke, and I didn't lie." Lee knew the redheaded man was wrong. The TV commercials explained how the agents' lie detectors were 100% accurate.

"You really expect me to believe you don't smoke?" asked the redheaded man. "I mean, I know the lie detector crap is a bunch of bunk, but those upgraded blood analyzers are the real thing. If they found tobacco in you, then either you smoke it, chew it, absorb it, or just plain eat it. It's as simple as that. If it was one of the older analog models, I might buy it, but these new proton analyzers can pick up the tiniest amount of any shit."

"No! It can't be. I hate that stuff. I've always thought they ought to take out and shoot anyone who . . ." Lee stopped suddenly. Not only did he realize that he was accused of a tobacco crime himself, but he was telling a smuggler/pusher that he hated the very stuff the man smuggled and pushed. Fear began to overtake his mind and body. He was locked up with electrocuffs and inside a police van with a smuggler/pusher. And he was an honest, law-abiding citizen. He knew what those types did to people like himself. He had seen the TV commercials. Lee now wished the agents would come back. "Look, I don't want to cause any trouble," Lee said fearfully. Just then, the van's engine started up. Moments later, both men in the back could feel it as it started moving.

"You ain't causing me any trouble, pal. But it looks like you're in a whole heapload of trouble. Did they find any on you or was it just the blood sample?"

"Of course they didn't find any on me!" Lee said emphatically. "They just claimed my blood had traces of tobacco in it."

"You're really not shitting me, are you? You truly don't smoke it?" said the man in disbelief.

"No. I just got off work and was on my way home."

"Where do you work?"

"Why?" Lee was reluctant to tell anything so personal to a criminal.

"I'm just curious. We were both coming from the same general direction, you know."

"I work in the Dunmere Building."

"No shit? I sell tobacco to some people in the Dunmere Building. I think they're on the fourth floor. Which floor you on?"

"You mean you push dope to people in my building?" Lee asked incredulously.

"No. I don't push anything on anyone. They come to me and ask for it. We agree on a price and we conduct a transaction. Just like any other business."

"No it's not!" yelled Lee. "It's dope, and it's illegal!"

"Didn't used to be," said the man in a matter of fact tone.

"Well it should have been then, and thankfully it is now."

"Yeah, you should be real thankful. You're going to go to jail because of it now."

Lee suddenly realized the man was right.

"Yeah, I mostly got tobacco people over in the Dunmere. One or two marijuana people over there. But they're not as steady as my tobacco people are. Of course, when tobacco did get outlawed, marijuana pretty much went by

the wayside. Most pot growers switched to tobacco instead. Much easier profits. You can still get pot if you look hard enough, though."

Lee knew the history. The section of the Bowman Amendment, which finally outlawed tobacco, was named after Sen. Reginold Bowman. It was based on the fact that anyone who would smoke tobacco would also be more than likely to commit, what was originally called a "hate crime," now more commonly referred to as a "thought crime" for a person thinking badly about a person as they harmed them. Sen. Ben Ryker championed the early thought crime bills. He and Sen. Bowman teamed up and combined their two pet safety projects. After all, if people didn't care about polluting the air another person breathes, then they didn't care about that person in the first place. And if they were going to do harm to a fellow human being's lungs, then they would, more than likely, do harm to the rest of his body. Anyone who would do such a thing could not truly care about other individuals. Therefore, smoking was considered a predisposition to bigotry towards another person. Likewise, any negative statements or thoughts towards another person were just precursors to harming him and, therefore, obviously just as bad as forcing them to breathe the carcinogens in tobacco smoke. Both senators' forceful campaigns linking the two crimes helped sway public opinion in their favor. The majority of the population, and practically all of Congress, eventually saw the light. Lee remembered seeing TV commercials a long time ago about why the two crimes were connected. They didn't air those commercials anymore. They didn't need to. Everyone now understood how and why the two were linked.

The redheaded man continued, "So what floor are you on over at the Dunmere?"

"My studio is on the sixth floor."

"Yeah, well they probably wouldn't smoke it on their floor anyway."

"There's no way to smoke in the Dunmere Building, or anywhere. Why, if anyone were to see someone doing something like that they'd . . ."

"Look, Einstein," he interrupted, "they don't do it out in

*The agents passed the redheaded man's car with the now pried-open trunk. Lee looked in. It was full of cartons of cigarettes. Lee knew what they looked like from TV.*

public. Ever hear of the bathroom?"

"Now look who's being dumb," said Lee. "There are smoke detectors in the bathroom. Plus anyone could tell someone had been doing drugs like tobacco in there."

"You really are that naive, aren't you? All I sell anymore is odorless, smokeless stuff."

"There's such a thing?" asked Lee.

"Hell, yeah. About a year after the Bowman Amendment passed, I started getting most of my smokeless supply. That's all I sell now. They make it offshore. Still don't know how the hell they do it. Made it a hell of a lot easier to sell too. People knew they could go back to smoking without getting caught."

"But you got caught," Lee said with an air of superiority.

"Yeah. And so did you Mr. Goody-Two-Shoes. And I don't like telling you this because it'll make you hate me more than you already do. And I know you think I'm the scum of the earth anyway, but you probably got busted because of some of my clients."

"How so?"

"I was in the Dunmere Building today, my usual customers.

Tobacco people. A couple of cartons each. Smokeless and odorless, like I said. These guys probably couldn't wait

to get home. So they go to some other floor besides their own — your floor evidently — and they smoke themselves a couple of cigarettes. You walk into the bathroom, either while they were still in the stall or shortly afterwards. Even though there ain't no smoke and you can't smell it, the particles are still dispersed in the air. You breathed in the stuff and you didn't even know it. You then get in your car to come home. But the gods weren't smiling on you today. Because you, like me, got caught in a random."

"Mister, I'm far from being angry at you," Lee smiled, "because you just made my case for me. I'll explain that to the police and straighten this whole mess out."

"Goddamn. You are naive, aren't you! You think they'll believe that?"

"You acted like it was very plausible."

"I not only think it is plausible. I think it probably did happen like that. I've seen and heard of it happening all the time."

"Then so have the police. They'll understand."

The redheaded man just stared at Lee and shook his head. "I think you probably smoke something stronger than tobacco is what I think. Tell me, what kind of car do you drive?"

"Why?"

"Just humor me."

"A 22 Nissan Alpha."

"Whew, nice car. And this year's model to boot. Does it have the reversible fuel cells?"

"Yes."

"Well then, in that case, I got news for you pal, the police ain't gonna buy your story. And you wanna know why?"

"Why?" Lee was starting to get more and more scared.

"Because that car of yours, that real nice car of yours, now belongs to the great state of Ohio. Their Metro Commuter Patrol to be specific. That's too nice of a car for them to want to give back to you. What with you being a scummy drug user and all. No, my friend, even if they hadn't found traces of tobacco in your blood, once they saw your car all they would have had to do is drop a cigarette in your back seat, snap a digital of it, show it to the magistrate, and the car is legally theirs."

"They couldn't do something like that. They wouldn't!"

"Happens all the time, buddy. Last time I got busted I had 13 cartons on me. When I went before the magistrate, I was charged with possession of eight cartons. The other five either got smoked by the agents who busted me, or they planted them in any car or house they wanted."

"I don't believe it."

"OK, pal. In my car tonight I had 15, count 'em, 15 cartons of premium, smokeless and odorless tobacco cigarettes. I also had twelve bottles of beer. That's a cool dozen." Lee

was shocked. Not only did he have tobacco, but he also had alcohol. And he probably didn't even have a possession permit for the beer. Lee didn't know which was worse. "Let's just see what I get charged with when we get to the

magistrate's. If my guess is right, those agents will be partying good tonight."

Lee didn't believe any of it. Everything happening to him was too surreal. He just wanted to get everything over with. He knew he could straighten everything out. The van started slowing down and eventually stopped. Lee didn't know whether to be relieved or more scared. The back doors of the van swung violently open. "Let's go dopers!" yelled an agent who held his machine pistol at his side. The two men got up and walked to the back of the van. They hopped out and were led by four agents down a long hall towards the magistrate's throne. Lee knew he wasn't allowed any legal representation. Right after the Bowman Amendment passed, too many people were escaping prosecution from both tobacco and thought crimes. Congress and the majority of the people were outraged that lawyers were allowing obviously guilty people to go free. What was the point of having the new, more powerful laws if they couldn't be properly enforced? The Bowman Amendment was, therefore, amended so that any person accused by any government agent of a tobacco or thought crime forfeited his right of representation. Lee understood this. The TV commercials explained to him, and the rest of the nation, that if people wanted legal representation, they shouldn't have broken any of the Bowman laws in the first place.

As they walked, one of the agents spoke to the redheaded man. "So Mr. Paul McElroy, thanks for confessing for us old boy!" as he pushed the redheaded man in the back. "We gotcha on digital saying you push cigarettes and marijuana over at the Dunmere Building. Tell us who you sell to, and we might go easy on your sentence."

"That's funny," said the redheaded man whom Lee now

*When he reentered society, would he be able to carry on as he once did? After all, he would be a convicted tobacco user. That would remain on his ID file for the rest of his life.*



deduced was named Paul, "I thought only the magistrate could pass sentence, not agents." At that, one of the agents pressed his control button and sent a shock through Paul's electrocuffs.

"Goddamn it. I said who buys the stuff over in Dunmure?"

Paul said nothing. But Lee smiled. He was happy that they had recorded their conversation. He could now prove his innocence. They rounded a corner at the end of the long hall they had been walking. There was the magistrate. The agents handed over their data disks to the magistrate.

The magistrate plugged in the disk and looked at the screen. He then spoke. "Lee Roger Eugene. Age: 34. Subject charged with operating a motor vehicle under the influence of a controlled substance; sub-charged with perjury for lying under oath of lie detection; sub-charged with questioning the authority of a state-appointed agent; sub-charged with questioning the validity of a state-owned blood analyzer. You did not exercise your right to confess or your right to forfeit your property used during your crime. Therefore I ask you now, guilty or not?"

"Not. I can explain . . ." The magistrate pressed his control button. When he did, a jolt came from Lee's electrocuffs. "You had your chance to speak at the scene of the crime," said the magistrate dryly.

"But you recorded us in the back of your van." Lee said in a painful voice. "Check the digital playback. The agents believed him about his selling it over at the Dunmure Building. I just breathed it in accidentally. I didn't know!"

"I viewed your transmission while you were being driven in," said the magistrate with a sigh. "The two of you obviously planned it out in an attempt to fool this court. Nice try. But I've seen it before. By the way," said the magistrate as he turned to Paul, "Your accusations of agent misconduct and evidence planting is not appreciated by this court. Should I find you guilty, that will be an extra six months for you."

Turning back to Lee, while activating the court's digital recorder, the magistrate spoke, "Subject Lee Roger Eugene pleads not guilty. Magistrate finds him guilty. All of subject's property used in commission of his

crime is to be immediately turned over to the Ohio Metro Commuter Patrol. Subject to be sentenced to four years and six months on prison ship number 257 anchored in Lake Erie, Drug POW Sector of the ship."

The shock Lee was now feeling didn't come from the electrocuffs. Even if they did send out a jolt now, he knew he wouldn't be able to feel it. He could now only think of his wife and kids.

He managed to softly say, "Can I call my wife? What about my kids? Please?"

"Would your wife really want to talk to a drug user like yourself?" asked the magistrate. "If she would, then that doubles the chance that she is involved in drugs herself.

You've no doubt seen the TV commercials about the percentages. And you know it is illegal for a convicted drug smoker to speak to children, especially his own. The chance of corrupting them is too great for the state to risk."

Lee didn't know what to say. He knew if he protested his innocence, he could be given more prison time. He just stood there in silence.

"I think he smoked so much he can't talk," said one of the agents laughingly.

As two of the agents led Lee away he could hear the magistrate speaking to the other man. "Paul McElroy. Age: 26. Subject charged with possession of, and intent to sell, eight cartons of tobacco cigarettes; also possession of two bottles of beer without a state possession permit license; sub-charged with possession of a non-approved lock; sub-charged with. . . ."

As Lee was being loaded on the helicopter that would take him to the prison ship, his mind raced with dozens of simultaneous thoughts: Why wouldn't the magistrate believe him? Were the prison ships as bad as rumored? When he reentered society, would he be able to carry on as he once did? After all, he would be a convicted tobacco user. That would remain on his ID file for the rest of his life. Something so serious couldn't be expunged from anyone's record. He wondered how the government could have made such a grave error.

His fear of flying didn't even enter into his mind as the helicopter headed north towards Lake Erie. His mind was numb with so many conflicting emotions that he barely even knew where he was. All he knew was that he was scared and it wasn't from the flying. Eventually all of his thoughts would work their way back to his family: Would his wife believe him that he wasn't a tobacco user? Would she file for divorce? What would his children think of him? His children! They would surely be in the state sitting service by now. His wife would have to pick them up and pay a fine.

He wouldn't be able to speak to them again until they turned 18.

He didn't even realize how much time had passed as the helicopter started to set down on the deck of one of the many ships anchored in Lake Erie. As he was escorted off the helicop-

ter, Lee's mind searched for some way to cope with the situation he was in. His body could take the confinement, but his mind had to have something positive to hold on to. He had to find some silver lining. As he was lined up with dozens of criminals, it struck him!

He had managed to find at least one good thing in all of this. And it came in the form of a child's voice: the child from the commercials. Lee suddenly remembered the other parts of the Ryker/Bowman laws: those that protected children. Even though he wouldn't be there to help his wife raise their kids, even though they would be in their teens by the time he was released — it didn't matter. The Ryker/Bowman laws would be in place to watch over Lee's children. All the various laws would make sure his kids could never be taken

*The government would do Lee's job of parenting while Lee was unable. And he was sure that they would do a good job. He had found his silver lining.*

advantage of or otherwise hurt. Sure it was a mistake that he was here, but that wasn't important now. His children's well-being was far more important. And the government would watch out for their well-being. That was the government's job: to help and protect everyone.

The government would not only be helping Lee's kids; the government would actually be helping Lee, since he couldn't

be there for his kids. The government would do Lee's job of parenting while Lee was unable. And he was sure that they would do a good job. He had found his silver lining. He was glad those laws were in place. He thanked God and Senators Ryker and Bowman that, at least, his kids would be properly looked after. Lee managed a slight smile as he was led below deck. □

## Letters, from page 7

try in the Middle East which deserves the moral support of those of us who truly value liberty and freedom.

Steven Schub  
Los Angeles, Calif.

*Ahmad responds:* Contrary to the assertions of the letterwriters, I did not praise modern Arab governments (neither in *Liberty* nor anywhere else). That those governments oppress all their people is a weak argument in defense of the Israeli system of apartheid. Rather than admit that Israel engages in the collectivization of the land it has expropriated, these critics would denounce her neighbors. This tactic combines the argument by intimidation with the principle of guilt by association. I am confident that *Liberty's* readers cannot be taken in by such a crude argument, and thus I can leave my response brief. I refer readers desiring more detailed information on current Middle East issues to *Washington Report on Middle East Affairs*, and those interested in a more accurate picture of the historical record to Karen Armstrong's *Jerusalem: One City, Three Faiths*.

## Just Say "No!" to the Islamic Jihad

I'm confused. Is *Liberty* a periodical dedicated to American libertarianism or Islamic jihads? It seems that every issue of late either vilifies Israel or praises Islamic terrorist groups, and you've now outdone yourself with the article by Imad-ad-Dean Ahmad. Let's examine his claims.

*Israel is socialist.* Israel may have its share of liberals and government programs, but it is certainly not a socialist country. Private property, rule of law, and a capitalist economy are the reasons why Israel is second to the U.S. in high-tech, whereas the entire nation of Syria has one ATM machine. (Syria, incidentally, is the terrorist state that was ruled for decades by Hafez Assad, who wiped out entire towns that challenged his rule, and is the benefactor of Hezbollah, *Liberty's* favorite freedom fighters.)

*Israel is racist.* Israel is a Jewish state and does grant the right of return to all Jews for a very good reason. After 3,000 years of relentless persecution and a Holocaust which Ahmad probably doesn't believe in, I think the Jews are entitled to one piece on this earth, particularly one that is the core of

*Continued on page 68*

## Not a Union Man, from page 33

"a headlong rush into a tunnel with no other side" — a fair description — does principle require you to follow?

In an industrial battle, with millions of dollars being expended like artillery shells, jobs blown up, plans wrecked, investments forestalled, what does it mean when those who called the strike over money say afterward that it was not about money, but about "respect"?

It means the union lost. The union went out for the money and didn't get it. All the negotiations at the end were over the terms of the union's surrender.

Here was the outcome. Management, who had known in theory that the paper was overstaffed, saw unmistakably that this was so. At the same time, they had a financial hole to fill. They announced that 20% of the union-represented jobs would go away. This would be done partly by voluntary buy-outs. Also the strikers would be called back over six months, some of them to different jobs — jobs they wouldn't want.

The reporter who had urged me to join the union never returned. He took a job with a California newspaper.

I kept my job. If I'd joined the union and gone out on strike, I'd have been the last in my work group to be called back and the first on the eventual layoff list. That's not why I had crossed the line; on that first day, none of us was thinking it would end this way. The strike was a step into the dark. The strikers went out with a belief that they were protected by the contract, by the National Labor Relations Act, or by

something. In the sense that mattered, they were not.

All this goes beyond the political idea I have long had, which is that unions should be voluntary, that they should sign up workers one at a time, in respect of the freedom of association. Unions in the United States do not believe in the freedom of association. Under the National Labor Relations Act, union representation is created by majority vote. The Newspaper Guild at my employer held that vote in the late 1930s. They never held such a vote again. They didn't have to. That vote, taken at least a decade before I was born, subjects me to a union contract in the year 2001, even though the people who voted may now all be dead.

The National Labor Relations Act. What a joke.

The strike left me with an attitude about collective bargaining. You cannot bargain collectively unless you are willing to think and act collectively. You'll have a vote now and then, when the bylaws mandate it or the union's leaders decide you should have it. But that still means letting other people decide whether you strike, and what you're striking for, and how long you strike, and under what conditions you come back. Those are big decisions. They could cost you your job. They cost several of my friends their jobs — friends who trusted those decisions to the union.

I realized that I wanted to make those decisions for myself. I am not a union man. □

# Reviews

*Hitler's Table Talk: 1941–1944*, by Adolf Hitler. Translated by Norman Cameron and R. H. Stevens, introduction and preface by H. R. Trevor-Roper. Enigma Books, 2000, 786 pages.

## Conversations With Hitler

Stephen Cox

Everyone recognizes Adolf Hitler as one of the most interesting figures in modern history, but most people are content to categorize him in some uninteresting way. Just how one does that has been a matter for heated debate, so various are the available generalities and clichés.

From the start, Hitler's political enemies labeled him "insane." Modern liberals, who don't like to say that anyone is just plain crazy, prefer to call him a "sociopath" or a man unlucky enough to have been "born without a moral sense." Marxists, whose line on Hitler has never changed (except during those giddy years, unworthy of remembrance, when Hitler was allied with the Soviet Union), still consider him a tool of "monopoly capitalism." Intellectuals who regard themselves as surfers on the wave of the future often call him a "throwback" to something, such as "the medieval world." (This is a little hard on the medieval world.) People who delight in their imagined superiority to their contemporaries see him as an exponent of the "herd mentality," a "mass man," or a representation of the "banality of evil." Intellectuals of a "psychological" bent

once called Hitler a homosexual; these days, "sodomasochism" is the tendency of choice. Many amateur Hitlerologists view him as a sucker for astrology or an adept of "secret arts." And there has always been a group that, insisting on giving credit where credit is due, describes Hitler as an evil "genius." One member of that group is Professor Hugh Trevor-Roper, the distinguished historian and introducer of this volume.

None of these opinions amounts to much of anything. If I ask you to picture a "genius" or a "mass man" or a "tool of capitalism" or an embodiment of the "banality of evil," your imagination will require a very long time to come up with Adolf Hitler. Trevor-Roper follows his reference to "genius" with page after page of abuse of Hitler's coarseness, ignorance, and stupidity. Some "genius"!

Accounts like Trevor-Roper's simply show that the truth about Hitler is too complicated to summarize, even with the use of paradox. They suggest that knowing the truth demands more distance from stereotypes than any authors in the field seem yet to have achieved. Yet *Hitler's Table Talk* provides some clues.

This is the record, prepared from stenographic notes, of Hitler's private

conversations (first published in English in 1953, now helpfully republished by the aptly named Enigma Books), conversations that, for the most part, occupied relaxed moments during 1941 and 1942, when Hitler was happily confident of victory in the world war, and his talk (as Trevor-Roper characterizes it) was "fresh, flexible, sometimes even gay." A different impression would no doubt be created by the discovery of similarly extensive records of his late-war conversations, which appear to have been quite the opposite of amusing. The book before us, however, offers many surprises for people who think of Hitler in stereotypical terms.

The Hitler who entertains us here is neither a genius nor a banal cross-section of the German populace. He is an unusually intelligent, unusually clever person who devotes his cleverness to the explication and application of ideas that were not at all unusual among the allegedly reflective classes of his time — ideas that, in many cases, remain the folk wisdom of the "educated."

Hitler was a nationalist, a racist, and a militarist. Nowadays, his remarks in that vein could be heard with pleasure only in the intellectual circles of Third World countries. Nevertheless, much of the remainder of his conversation would render him entirely at home in the faculty club of any American university. Slouching in a favorite easy chair among the potted plants and the superannuated copies of the *New Yorker*, he could discourse at will on the evils of social "inequity," the rapacity of big business, the dangers of secondhand smoke, the importance of art, and the desirability of limiting as well as increasing the powers of the state. No one would notice anything strange in either the message or the manner.

I'll say more about the modern-liberal aspect of Hitler's ideas in a little while; that's the "message" part. As for

his "manner": he had the intellectual's automatic ability to believe that because he knew X, he knew all the other letters of the alphabet, too. For this reason, his conversation is often pompous, crude, and silly, especially when he's dishing out his repulsive

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*Hitler had the intellectual's ability to believe that because he knew X, he knew all the other letters of the alphabet, too.*

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racial theories. Sometimes, for the same reason, his conversation is hilariously quaint. He says, for example, that an observatory he plans to build will represent "the three great cosmological conceptions of history — those of Ptolemy, of Copernicus and of Hoerbiger," this Hoerbiger being a scientist whose conceptions happened to tickle Hitler's fancy and that he therefore accepted as true. (Hoerbiger's theories involved the profound idea that "what is [originally] found in the universe is ice, and not water" [445, 324].)

Any American has to laugh at Hitler's solemn lectures on the subject of How to Drive a Car:

When the rear tyres [sic: this is a British translation] shriek, that's a sign that the driver has taken a bend badly. It's a rule that one should accelerate only in the bend, never before. (244)

And there's the ultimate quaintness of Hitler's supposed self-knowledge: "Unlike most people, I'm always ready to learn" (309). If that were true, there would have been no second world war.

Most readers, however, will be surprised to see how much Hitler really did know, or at least how broad his interests were. His knowledge of German history seems to have been much more extensive than any recent American president's knowledge of American history, although that may not be saying much. His interest in music was not confined, as we have sometimes been told, to operatic setting and spectacle; it appears that he knew serious music well. His appreciation of nature was genuine, and his

understanding of art went considerably beyond the trashy philistinism of which Trevor-Roper accuses him. In such areas, indeed, Hitler's accomplishments compare very favorably to those of the millions of Americans now endowed with Ph.D.s. (Again, that's probably not saying much.)

And one sometimes encounters a spark of creativity in him. Discussing a work by Murillo, the 17th-century painter, Hitler notes that "the picture contained a fault in design that could not have escaped Murillo's attention . . . I intended to write a play on the subject of this Murillo" (295). We have no indication that it would have been a good play, but it's a well-chosen subject for a play; and as much as one hates to see political fanatics exercise themselves in the field of art, it's much worse for them to exercise themselves in the field of politics. However the play turned out, I would like Hitler as a playwright much better than Hitler as the chancellor of Germany.

Dumb people, and insane people, submit their ideas to no controls whatsoever; but Hitler's political ideas are frequently tempered by skepticism and irony. Like Lenin and the other old Bolsheviks, he was a bohemian, a rootless cosmopolitan (to use the invidious phrase applied to such people by both the Marxists and the National Socialists), a man who was alienated from conventional ways of life. For him, "the people" were objects of study, not of emulation. At one point in his conversations, he accurately observes that "the beauties of the woods were discovered, not by the peasant, but by the professor" (619). He had little if any interest in the enthusiasms of the peasant or the "mass man." He liked movies but had no liking for sports and games, except when they could be used in the physical training of youth.

I detest those people who suddenly go all sporting! . . . People sometimes ask me why I play no games? The answer is simple — I'm no good at games, and I refuse to make a fool of myself! (647-48)

Contrary to what you hear on television, Hitler had no interest in the popular pastime of "the occult." Astrology, he says, is just a "swindle," and prophecies are remembered only on the rare occasions when they acci-

dentally come true (583). If he were alive today, Hitler would probably be a contributing editor of one of those little magazines that are always exposing the myth of ESP.

His skepticism extended to certain popular National Socialist ideas. In his opinion, the Nazi historical vision was faintly absurd: "I cannot help remembering that, while our ancestors were making these vessels of stone and clay, over which our archaeologists rave, the Greeks had already built an Acropolis" (566). Equally ridiculous was the Nazi tendency to idealize all things *volkisch*, such as contemporary German arts and crafts:

In reality, the public are not interested. When the man in the street pays twelve hundred marks for something, he expects value for his money, and he does not care a rap whether the nails have been driven in by machine or hand . . . Arts and Crafts? Rubbish! (656)

Most people have been educated to believe that Hitler aspired to rule the world. No such idea could survive his skepticism and pragmatism. He regarded all attempts to spread Nazism outside its German context as positively dangerous:

I am firmly opposed to any attempt to export National Socialism. If other countries are determined to preserve their democratic systems and thus rush to their ruin, so much the better for us. (490)

Lenin believed that the survival of his brand of totalitarianism could be secured only by world revolution; Hitler thought just the opposite about his brand.

Even within Germany, as he saw, the Nazi revolution had its problems. Its politicization of society often defeated its own ends. An obvious example appeared in one of his pet fields of interest, classical music. He was convinced that Fritz Busch would have become the greatest conductor in Germany if only a local Nazi official hadn't been so much of a Nazi, "forc[ing] on [Busch] old Party comrades for his orchestra, so that this orchestra should be inspired by a good National-Socialist spirit!" (321). What a farce! And Hitler knew it.

Not that he knew what to do about it. He could try to remedy particular abuses and reverse the tendencies he

deplored, and he was capable of taking dramatic action, as he did in 1934 when he liquidated Ernst Roehm and his friends. But he knew that he depended as much on the Party as the Party depended on him, and that there was only so much he could do to change how the Party operated.

He suffered from no delusions about his ability to suspend the laws of social interaction — and here is a powerful counterargument to the common idea that he was a naive egomaniac. He stipulated that without “efficient and enthusiastic colleagues,” he would “certainly” not have succeeded:

To those among them who, in their enthusiasm for the regeneration of our nation, go too far and hail me as a Prophet, a second Mahommed or a second Messiah, I can only retort that I can find no trace of any resemblance in myself to a Messiah. (462–63)

Recalling “the young fool” (Emperor Wilhelm II) who wrote a letter in which he signed himself “The Ruler of the Atlantic,” Hitler exclaims: “The acts of an imbecile! Can you ever

he has a lot of fun with *The Myth of the Twentieth Century*, the Bible of Nazism concocted by Alfred Rosenberg, self-appointed theorist of the movement. Hitler says that he himself “merely glanced cursorily” at Rosenberg’s work. He attributes its commercial success to the fact that it was attacked by the Catholic Church: “It gives me considerable pleasure to realize that the book has been closely studied only by our opponents” (422).

This, like many of the other things that Hitler says, is authentically amusing, and it goes a long way toward acquitting him of “insanity” and “banality.” I’ve never met an insane person, or a banal person, who could make a good joke or tell a good story; and Hitler can certainly do those things. He describes, for instance, a prominent personality who “received Prussian princes in his house” but “in the depths of his heart . . . was a Bavarian autonomist. A parrot of genius one day made the unforgivable blunder of crying, amidst this brilliant assembly: ‘Prussian swine!’” (326).

Joking about the politically correct reformists who wanted to take the foreign sounds out of the German language, Hitler remarks, “When I say Kurzschriftler instead of Stenograf, I have the feeling that I’m talking Polish” (357). Of his collaborator Francisco Franco, whom he did not particularly like, in fact hated, Hitler says, “Franco came to the top like Pontius in the Creed” (608). He concludes a discussion of the German occupation of northern France by observing, “In any case, I shall never have any difficulty in finding occupants for Paris, and there’s no risk that one day a unit of the Wehrmacht may mutiny, saying: ‘We don’t want to stay in France any more!’” (345). That’s funny, and it’s not the kind of thing that a crazy person or a mere ideologue would say.

Yet one can easily rate such episodes too highly. They show that Hitler could be something other than a ranting bore, but that’s not a world-historical accomplishment. If people are ever going to be interesting, they will be interesting when they gossip about their jobs, and that’s mainly what Hitler does. He’s a good storyteller, and he has a trick of putting his observations in a drolly formal style

that I find entertaining. Still, the chief interest of his sayings lies in the fact that he is saying them.

And it must be admitted that the sayings contribute nothing very surprising to our established picture of the world. Of Stalin, we learn little more than that Hitler considered him interesting and even read a book about him (661). The major surprise, if you want to call it that, comes when one notices all the people whom Hitler *doesn’t* talk much about. There is no substantial

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*Not everything is charm and gaiety in Hitler’s conversation. He cannot talk for long without discoursing on his two chronic enemies, the Jews and the Christians.*

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*Hitler knew that he depended as much on the Party as the Party depended on him, and that there was only so much he could do to change how the Party operated.*

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see me signing myself ‘The Ruler of Europe!’” (647).

At the moment, he *was* the ruler of Europe. His intention, however, was to look at the world in a “new” way. Monarchs were part of the past; Hitler believed in progress. The idea that he was a throwback to the “medieval” or “Teutonic” past finds no substantiation in his table talk. Heinrich Himmler & Co. might harbor fantasies about medieval knights and so forth, but Hitler had no more interest in repetition of that kind of past than William Jefferson Clinton has.

When Nazi mythology smelled too strongly of, well, the mythological, Hitler rejected it. In his conversations,

discussion of such Nazi potentates as Goebbels and Goering, or of the majority of leaders on the foreign stage. True, Churchill comes in for a good deal of abuse; the failures of Mussolini’s army (though not of Mussolini) are discussed; French collaborationist Pierre Laval is dissed; but the foreign leader who interests Hitler most is (guess who?) Ferdinand, King of the Bulgarians, whom he regards as “a man of infinite wisdom, inexhaustible tact and unique force of character” (647). Ferdinand told Hitler that the most dangerous politicians are the ones who are *not* venal (Clinton, eat your heart out). “Ferdinand was really very clever,” Hitler says (235).

In his discussions of politics, Hitler’s own cleverness is as easy to overestimate as his sense of humor. But it is real enough. It’s no accident that he refers to Ferdinand’s son Boris as “a very intelligent, even cunning, man” (379): cunning, not abstract intelligence, is what counts in politics. Hitler’s own cunning is sometimes on a very high, almost metaphysical, level. Reviewing the distant future of central Europe and what he can do to influence it, he says,

Any responsible statesman[!] should, indeed must, leave his successor a whole drawer full of somewhat

nebulous claims, so that the latter can be in a position, should the need arise, to conjure up these 'sacred' rights as the pretext for any conflict which may seem necessary (540).

Cunning can run counter to Nazi public policy, as it does in Hitler's

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*Brighter than Stalin or Castro, Hitler notes that keeping a peasant from trading on the "black market" will only "make him eat up all his surplus himself."*

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remarks about his regime's campaign to sterilize mental "defectives":

I was shown a questionnaire drawn up by the Ministry of the Interior, which it was proposed to put to people whom it was deemed desirable to sterilise. At least three-quarters of the questions asked would have defeated my own good mother. One I recall was: "Why does a ship made of steel float in the water?" If this system had been introduced before my birth, I am pretty sure I should never have been born at all! (675)

Brighter than Stalin or Castro, Hitler notes that keeping a peasant from trading on the "black market" will only "make him eat up all his surplus himself" (529). Brighter than the victors of World War I, he concedes that Germany, which he expects to emerge as the victor in World War II, will never get "any substantial . . . indemnity from [its] enemies," and he suggests that "if the British were to come to me to-morrow and say that they would like to make peace on the basis that each bears his own costs, I should most probably agree" (625).

He can say this, however, because (as he cheerfully proclaims) he has already looted much of Europe. Not everything is charm and gaiety in Hitler's conversation: far from it. He cannot talk for long without discoursing on his two chronic enemies, the Jews and the Christians.

Everyone knows the disgusting things he said about the first group, but his opposition to the second may come as a surprise, especially to people

whose idea of history derives solely from the History Channel. Yet this is one of Hitler's strongest links to contemporary intellectuals. When it comes to religion, he is as credulously anti-Christian and anti-"Western" as today's multiculturalists. He believes that "three hundred years ago . . . there was a blazing stake . . . at every street-corner," and that the Christians' campaign of persecution continued into his own time: "The Church does not strive to propagate its teaching by reason and gentle persuasion, but by force and threat." He adds, like the sniffiest contributor to the ACLU's litigation fund, "This is certainly not my idea of education" (323, 420).

His enmity to Christianity did not result from any scheme to replace it with another system of worship. He showed no sympathy for the efforts of his more deranged followers to create a specifically Germanic religion. His idea of a "broad basis for the religious-minded" was Confucianism, Buddhism, and (chiefly) Islam. According to him, "the standard of civilization" established by Islamic Spain was wholly admirable; to Spain flocked the greatest scientists, thinkers, astronomers and mathematicians of the world, and side by side there flourished a spirit of sweet human tolerance and a sense of the purest chivalry. Then, with the advent of Christianity, came the barbarians (514, 667).

These are stereotypes fresh out of today's high school "social studies" texts. Indeed, there are few professors in American universities who would go as far as Hitler in this multicultural direction.

To complete his philosophy on the subject, one needs only to add the Darwin fish on the Mercedes bumper — the smug scientism that is the 19th century's bequest to our current intelligentsia. From Hitler's point of view, as from the p.o.v. of today's crusading humanists, what went wrong with Christianity was its faulty physics and biology — as if Christianity possessed physics and biology in the first place. Believing (in company with millions of other village atheists and agnostics) that "the whole philosophy of the Church was founded" on the geocentric theory of the universe — a theory that, strangely, goes quite unmentioned in the Bible — Hitler stipulates

that the cure for religious "lies and intolerance" will come from public education in . . . astronomy (510, 323). He has therefore "directed that every town of any importance shall have an observatory" (514). He thinks that the evolution of science dooms Christianity to inevitable extinction. Still, the state has a duty to guarantee that scientific research remain "free and unfettered": "dogma cannot resist the ceaselessly renewed attacks of the spirit of free enquiry" (718–19, 336).

At this juncture, readers' eyes will start bulging out of their heads. "Free"? What could Adolf Hitler, of all people, possibly mean by "free"? He meant what he said. He wanted scientific inquiry to be free; he just didn't want the scientists, or anybody else, to be that way. Here, as usual, the great obstacle to understanding Hitler is the tendency to assume that he was one of a kind, the sole representative of his species. But he surely wasn't the only person in the 20th century who wanted to have his cake and eat it, too. The Marxists took roughly the same view of science and society. They were in favor of science, no doubt about it; they only wanted the truth, and they knew that the truth would turn out to

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*Strange to say, in the midst of so much careful planning, the nation is gripped by a "housing crisis." To remedy it, Hitler plans to build five million new homes, each (and why not?) with "the right to a garage," and each garage costing only a tenth of the current price.*

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be on their side. No political leader in the 20th century ever saw himself as intolerant — only intolerant of other people's "intolerance."

The conjunction of anti-Christian and anti-Semitic ideas is also far from unique to Hitler. The link is the naive Darwinism that he shared with multitudes of fellow "free" thinkers. Their idea was that all progress takes place



by evolution, and they expected the most evolved form of anything to be the *best* form. The whole Judeo-Christian tradition was therefore suspect, at least. It was obviously the product of earlier and therefore more primitive societies, it was based on individual religious experiences that could not be confirmed by scientific experiment, and it competed for power with the political agencies of modern progress. In respect to these ideas, Hitler's views on religion are hard to distinguish from those that prevailed throughout the modern-liberal west in the first decades of the 20th century. The spokesman for scientific rationality in *Elmer Gantry* (1927), Sinclair Lewis's satire on Christianity, can't understand why anyone still believes in "the old bearded Jew God!" After all, that was just the God of some wandering "Yids."

This is not to suggest that Lewis, or George Bernard Shaw, or H. G. Wells, or any of the other advanced thinkers, favored the extermination of the Jews. Not at all; that was Hitler's peculiarly revolting deduction from the idea (as expressed by Lewis) that mankind are but "mammals." But Hitler was not alone in believing that all the world's a test-tube, and all the men and women merely organisms, busily evolving themselves or else slipping back toward the primordial ooze. A natural tendency among such intellectuals was to see (other) human beings simply as natural objects, subject to natural laws of development. If human history is a ceaseless evolutionary development, and the "developed" form of something (if it survives) is better than the "primitive" form, then the Bolsheviks had every reason to throw the capitalists and the peasants, and ultimately the Jews and the Christians, onto the dustbin of history. They were going to the dustbin anyway. Or so the Bolsheviks thought. And so Hitler thought, about approximately the same people.

It isn't logical, but it's true, that the zest for natural selection tends to combine itself with a zest for social planning. The result is such outrageous, though undoubtedly unconscious, inconsistencies as one sees throughout the *Table Talk*, where Hitler is always calling for "a massive decentralisation"

of power, while making plans that can be implemented only by an enormously centralized authoritarian state (104). Here the closest comparison is not with Stalin, whose eloquence was very little exercised on the evils of centralization, but with our own modern liberals.

The "liberal" pundits of the past two generations were, generally speaking, anticommunist; but they thought that communism somehow actually worked. So did Hitler:

It is a unique phenomenon! [Stalin] has raised the standard of living — of that there is no doubt; no one in Russia goes hungry any more. They have built factories where a couple of years ago only unknown villages existed . . . and so forth and so on (661).

But Hitler doesn't see himself as an imitator of Stalin. He sees himself as someone trying to engineer "a maximum of equity in the established social order." He wants a nation in which

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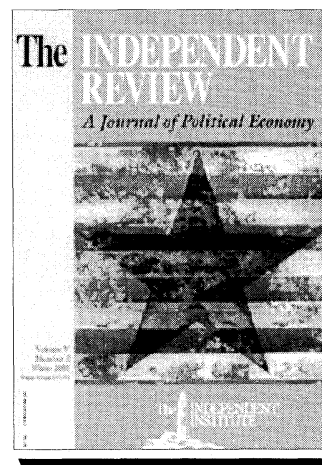
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"every man [can] have his chance" (256), thus stopping significantly short of even Huey Long.

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*Like the modern liberals, Hitler is constantly inventing economic schemes that are obviously bound to succeed but that, oddly enough, no private individual wants to invest in.*

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Like the New Democrats of the 1990s, Hitler believes that equity and opportunity require a healthy economy, and that a healthy economy requires constant technological innovation, and that innovation cannot take place if it is stifled by bureaucracy. Germany's "administration," he complains, is

over-organised, and, at least in certain sectors, it's overloaded. Its principal fault is that nobody in it is seeking for success. . . . Our functionaries fear initiative worse than anything else. . . . (18)

Unfortunately, the initiative that Hitler cherished was mainly the kind that tended, and still tends, to manifest itself in a constant series of government "initiatives." For him, the era of big government is over, but the era of government activism has barely begun. His economic ideas aren't as bad as his racial and military ones (what could be?); they simply parody some of the worst features of the modern liberalism to which both he and the modern liberals believed he was so firmly opposed.

For him, as for the modern liberals, "private interests" are always suspect, and "monopoly" is always to be feared, unless it's entrusted to the state; then it's OK (365). Like Franklin Roosevelt and his advisors, Hitler is sure that the problem with the American economy is high production and sound money; or, to put this in a way that is not so obviously ridiculous, "over"-production and consequent unemployment, and a gold standard that supposedly creates undue concentrations of wealth (53). Like the current

leadership of the Democratic Party, he believes that inflation is caused by excess profits, and he sees no difficulty with a high tax rate — for the fine pragmatic reason that "despite all the taxes, there's a lot of money left" (65, 72–73).

For Hitler, as for the modern liberals, especially those of the Gore-ite persuasion, the important thing about economics is *resources*: Do you have enough of them? ("With 100,000 acres devoted to the growing of rubber, our needs are covered" [53].) And how can you conserve them? ("Without doubt, man is the most dangerous microbe imaginable. He exploits the ground beneath his feet without ever asking whether he is disposing thus of products that would perhaps be indispensable to the life of other regions" [4].)

Like the modern liberals, Hitler is constantly inventing economic schemes that are *obviously* bound to succeed but that, oddly enough, no private individual wants to invest in. That's why the government has to take charge. "Because of the fault of capitalist which considers only private interests," hydroelectric generation is "only in its infancy" in Germany. What's needed is a government program to get people to dam every stream that might generate "a single kilowatt" (22). Do you remember the "small is beautiful" proposals of the Carter era?

It never occurs to Hitler, or to any other government planner and tinkerer, that anything in the economy can take care of itself. If something isn't available in the right quantity, it must be because the government hasn't been "proactive." With just the right kind of farsighted government action, Hitler believes, "it's quite conceivable that it would be possible to build a cheap radio set and a popular typewriter" (75). Of course, nations cursed with less active governments already had cheap radios and typewriters, but Hitler seems not to care about that.

While he is scheming to produce inexpensive household appliances, millions of Germans appear to be without a house to put such appliances in. Strange to say, in the midst of so much careful planning, the nation is gripped by a "housing crisis." To remedy it, Hitler plans to build five million new

homes, each (and why not?) with "the right to a garage," and each garage costing only a tenth of the current price. Again, why not? It *ought* to be a tenth, and it *will* be a tenth. And why not make sure that every house is located just down the street from a daycare center? And why not provide every house with a button that mom can press to summon the employees of said daycare center to come and pick up her children? Then she won't "be compelled to take [them] there herself." Think of the savings in time (347–48)!

But to return to the vital issue of natural resources, their proper use and conservation: the way to take care of *that* is simple. It's the Volkswagen, "the car of the future":

One had only to see the way in which these Volkswagen[s] roaring up the Obersalzberg overtook and skipped like mountain goats round my great Mercedes, to be tremendously impressed. (528)

But it isn't good enough just to make the buglike mountain goats available: they, or their 28-horsepower engines, have to be used for everything from the family bus to "a heavy artillery tractor." Don't worry: Germany's

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*I'm not sure which is sillier, Adolf Hitler's version of environmental economics or Al Gore's, but the kitsch quality is about the same.*

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war experience shows that military vehicles don't need to go faster than 12 mph (416)! And naturally, the Volkswagens will be run on alternative fuels: "one must not . . . forget that oilwells are not inexhaustible" (594). I'm not sure which is sillier, Adolf Hitler's version of environmental economics or Al Gore's, but the kitsch quality is about the same.

Considering the character of Hitler's ideas, and their frequent, close resemblance to ideas that remain respectable — crackpot deductions from Darwin's theory, goofy ideas about economics, weird assumptions about government's authority and abil-

ity to put such ideas in force — it's a miracle that the civilized world survived into the 21st century.

Hitler himself has provided a good way of thinking about the era of intellectual impoverishment through which the world has come. Let me explain. Although in many respects he was a better conversationalist than he was an orator, at least one extremely apt metaphor can be found in his speeches. It occurs in an address to a party rally, where he refers to "the flag that we

tore from nothing." What he means by "nothing" is the early, impoverished struggle of the Nazi movement. But to me, the flag metaphor signifies something different. It signifies the fact that immensely potent, immensely destructive political movements can, with the aid of a certain amount of cleverness, be summoned out of conceptions as thin and transparent as the breeze that floats a flag, conceptions as thin and transparent as to justify the name of "nothing." That was Nazism. That was Marxism. That is modern liberalism. □

*Nothing Like It in The World*, by Stephen Ambrose. Simon & Schuster, 2000, 431 pages.

# Crossing the Great Divide

Timothy Sandefur

Stephen Ambrose has become very popular, mostly for his histories of World War II and the Korean War. He started out as Eisenhower's pet biographer, and also wrote three volumes on Richard Nixon, and a good many books since. His 1996 book *Undaunted Courage* told the story of Lewis and Clark, and was popular enough to make him a household name, and a contributor to Ken Burns' documentary on the Corps of Discovery. He tells exciting stories and is clearly taken by excitement himself.

Unfortunately, Ambrose writes precisely like an old man telling tales. He has the particularly annoying habits of repeating himself, listing things long after the reader got the point, injecting colloquial emphatic phrases like "damn near" into his sentences, and breaking into disjointed paragraphs on nearly every other page. One moment the reader is in the high Sierras, humbled by the impenetrable vastness — the next, he is reading that so-and-so "damn near" won the battle of Chickahominy. Ambrose even com-

mits the dangerous sin of flashing backward and forward in time and geography, using phrases like "by that time," or "meanwhile," sometimes with no warning at all. Perhaps this is supposed to sound gruffly American, an image Ambrose has cultivated. But when read, it is just vexing. True, Ambrose is a People's Historian, and the folksiness helps his rapport with the Common Man. But I suspect that it also harms the Common Man's ability to retain what he reads. Storytelling is the heart of history, and Ambrose sounds as if he dictates his prose. His histories sound like campfire yarns, paling in comparison to the work of writers like A.J. Langguth or William Manchester, who manage to be readable without sacrificing elegance.

That said, Ambrose remains readable because he chooses such dramatic subjects, and *Nothing Like It in The World* is no different. Ambrose shows that the construction of the transcontinental railroad was an epochal achievement, one which could never have been done in today's world of environmental impact statements, employee discrimination laws, and sensitivity training seminars. The men

who built that marvel were remarkable men. As Ambrose puts it in his characteristic style:

How hard they worked is an astonishment to us in the twenty-first century. Except for some of the cooks and bakers there was not a fat man among them. Their hands were tough enough for any job — one never sees gloves in the photographs — which included pickax handling, wielding sledgehammers, picking up iron rails, and using other equipment that required hands like iron. Their waists were generally thin, but oh those shoulders! Those arms! Those legs! They were men who could move things, hammer things in, swing things, whatever was required, in rain or snow or high winds or burning sun and scorching temperature, all day, every day. Nebraska can be hotter than hell, colder than the South Pole. They kept on working. They didn't whine, they didn't complain, they didn't quit, they just kept on working.

Are there such men today? Maybe. But even if there were, our current administrative state would crush them summarily. In *Democracy in America*, Alexis de Tocqueville wrote that popular government seeks to "entirely relieve [people] from the trouble of thinking and all the cares of living," by

Cover[ing] the whole of social life with a network of petty, complicated rules that are both minute and uniform, through which even men of the greatest originality and the most vigorous temperament cannot force their heads above the crowd. It does not break men's will, but softens, bends, and guides it; it seldom enjoins, but often inhibits, action. It does not destroy anything, but prevents much from being born; it is not at all tyrannical, but it hinders, restrains, enervates, stifles, and stultifies so much that in the end each nation is no more than a flock of timid and hardworking animals with the government as its shepherd.

Imagine what Leland Stanford or Collis Huntington might have done had they lived in the age of space exploration. And imagine what the Nanny State is depriving us of today. Thirty years after the discovery of America, Spain had colonized Puerto Rico, Florida, and Panama. In 1803, Lewis and Clark led an expedition from St. Louis to the Pacific Northwest

and back. By 1833, there were 26 states, and by the end of the century, a person could travel from New York to San

Francisco by train. In 1969, Americans landed on the moon. It is now 2001, a year science-fiction movies and books

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have looked to as a milestone, but nobody has walked on the moon since 1972. There are no space colonies, and the price of the international space station is rising rapidly. Government monopolization of space travel has stifled the creative energy that could have established colonies already, and is only now giving way to a handful of entrepreneurs. Government regulation has also indirectly hampered the exploration of the final frontier. Our culture has become so weakened by regulation that Americans seem to have lost the spirit of toughness that connected the great railroads and could connect us to the stars. As Philip Howard wrote in his book *The Death of Common Sense* (1994): "Modern law has not protected us from stupidity and caprice, but has made stupidity and caprice dominant features of our society."

Ambrose asserts — and repeats over and over — that the railroad would have been impossible without government aid. This is dubious, given the histories of men like J.J. Hill. Such government "assistance" that did occur was very different from what we see today. For the most part, Congress handed the job to experts with a minimum of bureaucratic interference, demanded results, and foreclosed all excuses. "The Central Pacific," as Ambrose says, "was required [by law] to complete 50 miles within two years and 50 miles each year thereafter, and the entire road was to be completed by July 1, 1876, under pain of forfeiture." The government did not demand that the work force comprise a certain percentage of "minority" workers (most were immigrants anyway), or second-guess engineers with minute OSHA rules. Even this relatively unintrusive government involvement may have caused as many problems as it solved. Because it paid the railroads based on the amount of ground they covered and number of cities they reached, the railroads built unnecessary turnoffs to cash in on grants; protectionist measures required the railroads to buy rail only from American manufacturers, which sent costs sky-high; regulatory deadlines led to shady cost-cutting measures; the need to impress politicians led to waste and corruption. This did not, of course, go unnoticed at the time. Upset at Union Pacific plans to

build an unnecessary branch south of Omaha, Neb., the *Chicago Tribune* called the directors of the Union Pacific "a set of unprincipled swindlers' intent on 'building the road at the largest possible expense to the Government and the least possible expense to themselves.'" Yet even when the railroads managed to secure bucketfuls of government bonds, Congress delayed paying. Month after month, the payroll of the Central Pacific came out of the personal fortunes of the CP's directors.

Even with the scandal, corruption, and waste, the insolence of office, and the law's delay, the men who made the railroad had their heroism. And, as

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much as Huntington, Crocker, Stanford, and Hopkins made the railroad, it was actually built by the thousands of workers who moved with clocklike precision to lay a mile or two of rail per day through the hot and desolate spaces of the Great Plains and rugged immigrants who blasted at thick cliffs of granite to carve thousand-foot tunnels through the sharp mountains to the east.

Many of those workers were Chinese, most of whom had lived in California since the gold rush, but some of them recruited by the railroads. In all of the literature on the thousands of Chinese who worked the railroads, there has never been a word uttered suggesting that they were lazy or complaining. Yet the Chinese were universally despised in California. Ambrose writes:

California law discriminated against them in every way possible, and the state did all it could to degrade them and deny them a decent livelihood.

They were not allowed to work on the 'Mother Lode.' To work the 'tailing,' they had to pay a 'miner's tax,' a \$4-per-head so-called permission tax, plus a \$2 water tax. In addition, the Chinese had to pay a personal tax, a hospital tax, a \$2 school tax, and a property tax. But they could not go to public school, they were denied citizenship, they could not vote, and they could not testify in court. Nevertheless, they paid more than \$2 million in taxes. If Chinese dared to venture into a new mining area, the whites would set on them, beat them, rob them, sometimes kill them. Thus the saying, 'Not a Chinaman's chance.'

The Chinese were victims of the worst envy by white Americans and European immigrants. Put on work crews with the Chinese, English workers would refuse to do the treacherous blasting that the Chinese did with brave efficiency, disguising their laziness with racist bombast. Americans, unwilling to compete with the Chinese for work, complained that companies were "shipping our jobs overseas." In 1879, California adopted a state constitution (the remnants of which are still in use) with little other purpose than to keep out Chinese. As one Chinese train worker later said, Chinese "were persecuted not for their vices but for their virtues. No one would hire an Irishman, German, Englishman or Italian when he could get a Chinese, because our countrymen are so much more honest, industrious, steady, sober, and painstaking." To this day, Asian students face handicaps when applying to colleges, because there are "too many" Asian students who do "too well" on the tests.

The drama of the transcontinental railroad is two-fold: the magnificent bravery, intellect, and hard work ("sticktoitiveness" is Ambrose's term) that made this the greatest engineering feat of its day and the underhanded backroom dealing that stained the image of the business at its very birth. At one point, Mark Hopkins wrote Collis Huntington that "We need the right to take water for construction and operation. Without this grant from Congress we are entirely at the mercy of a set of water speculators — real water sharks — known as ditch companies. They go ahead of the RR and

buy up all the water to make us, the farmers, and the miners or anyone else pay them hugely for it." An odd complaint from the director of a corporation surviving almost entirely on government grants. CP and UP directors made quite a living off of insider

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*The drama of the transcontinental railroad is two-fold: the magnificent bravery, intellect, and hard work that made this the greatest engineering feat of its day and the underhanded backroom dealing that stained the image of the business at its very birth.*

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trading, conflict-of-interest, and even what might be politely called voluntary manslaughter. If a ditch-digger wanted to provide the companies with water they needed, who was Hopkins to set price ceilings? As legal historian Lawrence Friedman has pointed out, licensing schemes, monopolies, price restrictions, and discriminatory regulation "absolutely burgeoned during this period." It was in response to these schemes that Justice Stephen Field — an archetypical Californian — wrote, in his 1872 Slaughter House Cases dissent, that the equality of rights in "lawful pursuit of life, throughout the whole country, is the distinguishing privilege" of Americans. "To them, everywhere, all pursuits, all professions, all avocations are open without other restrictions than such as are imposed equally upon all others of the same age, sex, and condition. This is the fundamental idea upon which our institutions rest; and unless adhered to in the legislation of the country, our government will be a republic only in name." Today, we still live with the bureaucratic legacy left by the populists' regulations — and we have yet to live up to Field's libertarian ideal.

*Nothing Like It in The World* is a window into our vanishing national character, a reminder of the cruelty of nationalism, and a hint at what might be possible, if we would only allow people to try. □

*Traffic*, directed by Steven Soderbergh, Bedford Falls Productions

# Hollywood on Drugs

Travis Stewart

Prohibition was known by its supporters as "the Noble Experiment." As Peter McWilliams observed, "you would think that an experiment with such clear results would not need to be repeated." Today the mistakes of the Prohibition Era are being not only repeated, but exceeded, by the War on Drugs. The statistics are well known: over two million Americans are behind bars, constituting 25% of the world's prisoners, though America has only 4% of the world's population.

There is probably no one in this country whose life has not been touched in some way by the drug trade or the drug war. Yet the subject is rarely taken seriously in popular culture. Television and films lionize law enforcement and demonize dealers. Rappers glorify gangster culture, turning cutthroats into folk heroes. Rarely is the subject dealt with in more than a single dimension.

Steven Soderbergh's new film *Traffic* is an attempt to fill the vacuum. *Traffic* is presented as a definitive conversation about an imminent national crisis. The film presents the international traffic in drugs as a web in which the lives of people from disparate geographical and sociological backgrounds are interwoven. It is a fact of nature — bigger than man's ability to control and rife with the absurdity of natural disaster.

The film starts in a grainy, washed-out, and hand-held-looking Mexico, where two state policemen named

Javier (Benicio Tel Toro) and Manolo (Jacob Vargas) nab some drug dealers near the border and impose an improvised "fine." They are subsequently surrounded by several army vehicles; the shipment (and the suspects) are impounded by the crocodilian Gen. Salazar (Tomas Milian), whose "How did you find out about this shipment?" has an ominous ring. As we immediately suspect, Salazar is not only president of the Hair Club for Men — he's also a client. Who's better-equipped than a nation's drug czar to profit from the sale of illegal drugs? The policeman Javier, who is a good man working within a corrupt system, becomes embroiled in criminality when Salazar hires him to capture an assassin named Francisco Flores, or "Frankie Flowers" (Marisol Padilla Sanchez). Frankie is tortured by the general's henchmen, who have a little tool kit containing pliers, aerosol cans, and awls. As Americans tend to forget, this is business as usual in most of the world's law enforcement operations.

In Columbus, Ohio, the drug czar-designate, Robert Wakefield (Michael Douglas) is trying a drug dealer. When the dealer's attorney protests that officials have seized private property necessary to the livelihood of his family, Wakefield responds that "there is no sacred protection of property in this country" — a "fact" which surely would be news to anyone who has read the Constitution.

Wakefield eventually foregoes his national post for a reason so high-concept that if the film weren't so rea-

listic, one would dismiss it as typical Hollywood sensationalism, pitched to a preposterous degree. "Drug Czar's Daughter Becomes Crack Whore" is, after all, not so far removed from "President Single-Handedly Defeats Heavily-Armed Terrorist Gang Aboard Air Force One." However, unlike the latter premise (from *Air Force One*), if you ignore the fact that this is a Hollywood film, you are left with the possibility that, yes, under the right circumstances, the drug czar's daughter (Erika Christensen) could become deeply involved in hard drugs, even to the point of selling her body to get them.

The right circumstances are these: absentee father, permissive mother (Amy Irving), lots of money and leisure, and an evil boyfriend, inevitably named Seth (Topher Grace). This subplot is truly one of the film's strengths. Writer Stephen Gaghan has supplied Caroline and her friends with authentic dialogue. Adults seem rarely to be able to write realistic lines for teenagers, and they are even less able to write dialogue for teenagers dabbling in drugs ("Come on. Everybody's doing it!"). This film allows that children may be intelligent even when they do stupid things. Bong-fueled conversations about philosophy and interpersonal relationships quickly become overwhelmed by the drug experience. Seth teaches Caroline how to freebase (mostly, it seems, to lower her sexual inhibitions), and soon she is regularly smoking crack. The "high" effects here are very convincing, employing a combination of good acting, make-up, and eye drops. When a buddy ODs, the frightened kids attempt a "ring and run" outside the emergency room, but are caught by the cops, and the Wakefields learn about their daughter's drug problem.

Wakefield's solution is to ground her, then throw her in a rehab camp, while he goes on a fact-finding tour in preparation for his new role as drug czar. His travels take him to Georgetown (where he speaks with the likes of the real-life Diane Feinstein, Orrin Hatch, and William Weld — the latter an especially poignant choice for fans of legalization); the San Ysidro-Tijuana border, where real-life officials dramatize the magnitude of the border



surveillance problem; and eventually to Mexico where he meets his counterpart Gen. Salazar (asking him such asinine questions as "What are you doing

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*"Drug Czar's Daughter Becomes Crack Whore" is not so far removed from "President Single-Handedly Defeats Heavily Armed Terrorist Gang Aboard Air Force One."*

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about treatment?" as though Third World countries can afford such things). Wakefield is portrayed as an essentially good man who feels he is doing the right thing. Wakefield genuinely wants to solve the drug problem. Yet, when he throws out the challenge to his staff for new ideas on the subject, they are all silent and embarrassed. The drug war isn't working and everybody knows it.

Nobody knows it better than Eduardo Ruiz (Miguel Ferrer), a major San Diego drug dealer who is nabbed by two of the most wacky, loveable DEA agents ever to make their way across the silver screen (Don Cheadle and Luis Guzman). They are stock characters that Hollywood has been busy refining for 20 years — cop partners engaging in high-energy badinage while "just doing their jobs." In contrast, the Ruiz character is refreshing. Instead of the stupid and heinous thick-accented stereotype we have come to expect, he is diabolically articulate, and delights in trying to shake the agents' faith in their own work: "Your government surrendered this war a long time ago," he tells them, "You guys remind me of those Japanese guys on some island who don't even know World War II is over."

Ruiz cuts a deal for immunity and blows the whistle on his boss Carlos Ayoho (Steven Bauer). Ayoho's arrest comes as a great shock to his wife (Catherine Zeta-Jones), who is so superficial she apparently neither knows nor cares where her husband's wealth comes from. At first, she is angry and hurt, though we soon learn

## Notes on Contributors

Baloo is a nom de plume of Rex F. May.

John Bergstrom is a cartoonist and illustrator who lives in southern California.

Stephen Berry has written numerous articles for libertarian and chess magazines.

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

Alan Bock is the author of *Waiting to Inhale: The Politics of Medical Marijuana*.

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

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

Frank Fox is the author of *God's Eye: Aerial Photography and The Katyn Forest Massacre*.

Chris Henderson is a writer living in Avon, Ind.

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David Kopel is the author of *The Samurai, the Mountie, and the Cowboy*.

Richard Kostelanetz recently published a second edition of his *Dictionary of the Avant-Gardes*.

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

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Thomas Sipos is the author of *Manhattan Sharks and Vampire Nation*.

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

David Ramsay Steele is the author of *From Marx to Mises*.

Travis Stewart is a playwright, performer and cultural critic in N.Y.C.

Clark Stooksbury is a freelance writer living in Knoxville, Tenn.

her anger and pain are only because she fears that her high standard of living is threatened. In order to maintain it, she becomes a ruthless criminal herself, negotiating to distribute large amounts of cocaine, and calling out a hit on Ruiz before he can testify at the trial against her husband. So much for law and order.

While proponents of the drug war have criticized the film for pointing out its hopelessness, the film is more like an open-ended conversation, coming to no particular conclusion. It is not the film a dyed-in-the-wool drug war opponent would make. It shows nothing of the widespread corruption within American agencies at every

level, the ransacking of innocent people's homes, the seizure of property, or drug cops' profane and often racist abuse of suspects. But, American hypocrisy about illegal drugs is repeatedly sent up. One of the DEA agents is a chain smoker. Drug czar Wakefield drinks three scotches a night. Wakefield's wife, who had experimented with drugs in her own youth, appears to support her husband in his new role of throwing people in prison for doing the same. The capper is that the overwhelming majority of those imprisoned for drug offenses are poor and black; rich white kids like Caroline Wakefield get off the hook with a back-room deal. □

their faith. Jerusalem is mentioned over 3,000 times in the Torah, not once in the Koran. Were Israel to grant full rights to Palestinians, Israel would at that moment cease to exist, and instead of 22 Moslem dictatorships, the world would now have 23. In addition to being suicidal, it is without parallel for a nation to have to give up land won in war, yet only Israel is constantly pressed to do so.

Ahmad of course fails to mention that the Arabs that stood with the Israelis in 1948 are full-fledged citizens who can vote and run for political office. What rights do Jews have in Iran, or Saudi Arabia, or Egypt, Mr. Ahmad?

*Israel is a theocracy.* Israel's government is officially secular, and while there may be intermixing with the religious, the people of Israel have total religious and personal freedom. Contrast this to every Moslem country, where women are treated as property, and no other faiths are permitted.

Ahmad claims Arab hatred is not based on religion, but on "Zionist expulsion" and "heightened militarism." Perhaps Ahmad isn't aware that the Arab media is saturated with anti-Semitism that would make Hitler blush, that kids are taught that the most assured way to Allah is to kill Jews, and Palestinian mothers pray that their children might be martyrs. As for Israel's heightened militarism, that is because the Soviet-armed Arabs have launched four full-scale wars to try to wipe out Israel.

The real reason the Arabs hate Israel is because Israel's transformation of an unwanted desert into a super-power is a black eye to all the Arab tyrants who need a scapegoat to explain why their people wallow in misery. "It can't be our leaders who are responsible, it must be exploitation by the West!"

Where have we heard that before?

I've long been used to seeing Israel slandered in the left-wing media, in the universities, and at the U.N. But for a libertarian magazine to support the Arab dictatorships against the one oasis of freedom in the Middle East is appalling. Please curtail this rogue agenda.

Alan Gold  
Los Angeles, Calif.

## Think Before You Bark

I found Doug Casey's take on the proper, "noble" response to armed soldiers interesting. I'm sure he's a nice guy, and has probably been a source of great amusement to his friends and companions ("Hey, Doug, I bet you can't jump that fence and kick that bull in the balls!"). Still, I must respectfully disagree with his attitude.

There are many appropriate responses that an intelligent person might come up with when faced with a group of trained military men in black jumpsuits and armed with automatic weapons. If he really is an intelligent person, right on the very top of that list would be to be "docile" and "ingratiating."

If some gas-brained idiot in this group had decided that he would like to jump these guys and wrestle them to the ground, the intelligent response of the rest of the group of passengers would have been to sit on him firmly and stuff at least one well-worn sock in his mouth.

If this makes me a "whipped dog," so be it. I at least know when to pick my battles, and this dog does not go around biting grizzly bears.

Tom Brosz  
Sunnyvale, Calif.

*Casey responds:* This isn't the first time I've been told I have an attitude problem; but, fortunately, it's just a little one right now. In any event, it's reassuring to know that there are cooler heads out there, to make sure the revolution doesn't get completely out of control.

## Courting the Con Vote

I disagree with Durk Pearson's and Sandy Shaw's contention that allowing felons to vote will automatically favor Democratic candidates (*Reflections*, March). I live in Oregon, where anyone not actually incarcerated may vote. I am an ex-con, and while I voted for Harry Browne, I was rooting for Bush over Gore. A friend of mine who is also an ex-con, favored Bush, though I'm not sure she voted at all. Both of us may be characterized as either taxpayers or tax-users as circumstances demand, even though I am philosophically opposed to forced charity, and my friend has found that the use of forced charity has hidden costs. For instance,

the last time she was arrested, she was automatically kicked out of her HUD-subsidized apartment. She is now in a regular apartment that she can't be kicked out of simply for being accused of a crime.

If felons get to vote in more states, those states will likely follow the Oregon model of not allowing inmates to vote, so the location of prisons in rural areas will not matter. No party owns the felon vote. Indeed, most felons will probably not vote at all, being more disillusioned than most citizens.

Pearson's and Shaw's characterization of Democrats as being tax "predators" and Republicans as being tax "prey" is also seriously flawed. Many Democrats probably have never accepted any forced charity in their lives beyond public schools. They simply are true believers in the welfare state. On the other hand, many recipients of governmental charity are less than grateful for assistance they regard as grudging and inadequate, and are convinced they would not need it if the regulatory state got out of their way.

Rycke Brown  
Grants Pass, Ore.

## The Two Faces of William Merritt

Wow! How did William E. Merritt, author of "Second Thoughts" (January) — that strange paeon to socialist gun ownership — get smart enough in two months to write the excellent March essay "Rethinking the Mega-State"? It just shows you should never prejudge a piece from its byline.

Mike Doege  
Macomb Township, Mich.

## Amazed and Revolted

I found William Merritt's take on the Second Amendment both amazing and revolting at the same time. Amazed that here we are more than 200 years after the founding of the republic, and we're still arguing over the proper interpretation of the Second Amendment! In a libertarian magazine no less! This is especially amazing in view of the fact that the original purpose of the Second Amendment is as clear as a bright sun on a cloudless, summer day.

I am revolted by the contributions of lawyers where they continue to dem-

onstrate their ability to ignore the plain English language with which the Bill of Rights is written. *It is not* written in Egyptian hieroglyphics, for Christ's sake!

James J. Odle  
Phoenix, Ariz.

## Liberty and Union, Now and Forever

What is it with libertarians and Lincoln trashing?

I refer to the error-filled article "Rethinking the Mega-State" by William E. Merritt. For example, Merritt states "the North, with all its manpower and industrial might . . . fought the Civil War for a year and a half on the cry 'For the Union!', and they fought it to a bloody standstill. There simply weren't enough people willing to die for bigness." What utter nonsense.

The only thing the Union lacked to have finished the war in 1862 was resolute generalship. At Shiloh, the western Confederate army was shattered and its general killed. The army of the Potomac was five miles from Richmond. Standstill? After Sharpsburg, McClellan refused to finish off Lee and was fired. The soldiers were ready and willing, they just needed a commander worthy of them.

Next, Merritt states that Lincoln issued the Emancipation Proclamation to motivate a war-weary North — more nonsense. Its purpose was to prevent foreign recognition. Besides, it was the right thing to do. The soldiers actually grumbled that they had joined to preserve the Union, not free the slaves.

Merritt then goes on to blame Lincoln for "a hundred years of Jim Crow, second-class citizenship, race riots, suspicion, Kluxers, and Reverend Al Sharptons." So, the KKK lynches a black man, why the devil (Lincoln) made them do it.

Why not just blame the criminals? Or the Democratic Party that aided and abetted the Kluxers for a hundred years? Why not look into bonehead Reconstruction policies or a Supreme Court that refused to uphold the 14th and 15th Amendments?

Sorry Merritt, the Civil War was not a one-act morality play with Lincoln as villain and Jeff Davis as hero. Go back to political theory, history is too messy and multifarious for you.

Grant Jones  
Pahoa, Hawaii

*Merritt responds:* At the close of 1862 the North lacked one other thing than just resolute generalship. It lacked soldiers in Richmond. As for getting there, resolute generalship had already led to First Manassas, Second Manassas, the Seven Days, Fredericksburg, approximately as many dead United States soldiers in these four fights as in the entire Korean War, career stagnation for McDowell, Pope, Fighting Joe Hooker, and McClellan, and the Army of the Potomac still stationed on the Potomac. Yet to come were Chancellorsville, the Wilderness, Spotsylvania Courthouse, Cold Harbor, Petersburg, as many dead United States soldiers in those five fights as in Korea, Vietnam, the War of 1812 and the Mexican wars put together, and still no federal troops in Richmond.

The people in the North weren't fools. They could see where this was heading and, to more and more, it just wasn't worth the effort to get there — not for something so ethereal as keeping the country big. Peace Democrats began stalking the corridors of power while, outside, draft resistance was turning into draft riots.

Lincoln was no fool either. The Emancipation Proclamation was aimed at preventing foreign recognition of the South. It was also aimed at strengthening the hand of — and his own support among — the Radical Republicans at home. And to give Northern moms something better to send their sons to die for than just having the Stars and Stripes fly over Southern courthouses. Mr. Lincoln brought race into the war for the purpose of winning the war. Any way you cut it, it was a race card.

And it had the dreary, predictable consequences. After the war, Southern whites were able to dodge blame for the whole stupid catastrophe they had brought down upon themselves by laying it at the feet of the blacks. Which led to racial politics in the South and the reaction to it among the Reverend Al Sharptons of this world.

As for the Army of the West, it was shattered after Shiloh — just as the Army of the Potomac was shattered after First Manassas, Fredericksburg, and Chancellorsville. But that didn't mean the war was over. It just meant more soldiers and new generals. Albert Sydney Johnston was a huge loss for

the South at Shiloh. But the battle was the making of Nathan Bedford Forrest and he would *still* be holding Mississippi from Northern hands if the war hadn't been lost everywhere else all around him.

These facts are so easy to look up and their consequences so plain that it's fair to ask why there is so much resistance to seeing them. Mostly, I think it has something to do with what Robert Penn Warren referred to as the "Treasury of Virtue." This is the self-congratulatory feeling among the winners that they had done something wonderful. The picture in their own eyes of personally striking the chains from a weeping old black, of handing a school book to a wonder-struck child, of anything but 640,000 men dead in the field and an entire region impoverished for no better reason than making sure which flag the survivors pledged allegiance to.

The war seems like utter foolishness and waste to me. And a pouring on the ground of the moral force of people who tell such lies to themselves.

## Hey Adrian, Lighten Up!

Adrian Day's a party pooper. Both the "How to Succeed with Women" (February) article and "The Best Little Whorehouse in Kooskia, Idaho" (November) were great reading and a fun respite from politics. But even better was "Killahaole Day" (March). What a wonderful story! It was so good, I was going to write in and say so. Now, Adrian's whining has forced my pen.

Keep up *all* the great work *Liberty*, and hey Adrian, lighten up!

W.D. Woodward  
Encinitas, Calif.

## The Titanic Story

The sinking of the Titanic remains one of the most fascinating stories in American history. In this exciting new book, Stephen Cox retells the dramatic story with elegance and wit, debunking the anti-capitalist myths that have so long been attached to it.

*The Titanic Story* was published at \$16.95. Liberty Book Club's price is just \$9.95. Call toll-free 1-800-854-6991 with your credit card or send a check to Liberty Books Club, PO Box 1181, Port Townsend, WA 98368.

# Terra Incognita

## Seattle

Advanced techniques of political communication, as reported by the *Post-Intelligencer*.

Seattle Central Community College was the site of a protest by several groups including the Lesbian Avengers. The Avengers removed their shirts to reveal slogans such as "Animal Suffering" and "Human Death." The crowd cried their approval and snapped photographs.

## Washington, D.C.

The radical impact of the National Endowment for the Arts, from an account in the *Seattle Post-Intelligencer*.

As evidence that people now have "increased access to quality art," the head of the National Endowment for the Arts cited the fact that "hard-hatted workers in the Endowment's office building order double lattes."

## Raleigh, N.C.

A new profession requiring detailed knowledge of the three Rs, reported in The Associated Press:

A study found that twelve widely used science textbooks lack "an acceptable level of accuracy." Within the 500 pages of errors the researchers found were a map showing the equator passing through the southern United States and a photo of Linda Ronstadt labeled as a silicon crystal.

## Aizuwakamatsu, Japan

New frontiers in emergency-personnel thoroughness, from a dispatch in the *Mainichi Daily News*:

A passenger who died in the backseat of a car involved in an accident was left in a junkyard for six hours since none of the police investigators or firemen noticed her. She was only discovered when the family members of the car's owners came to the junkyard to collect belongings from the car.

## Port Townsend, Wash.

Interesting new form of psychotherapy, from an advertising flier:

Treatment is available for dogs suffering from many problems, including: "fears, aggression, biting/mouthing . . . over-exuberance, socialization issues, [and] nervousness."

## Maryland

New methods of food preparation, as reported by HealthCentral.com:

Researchers at the U.S. Agricultural Research Service have recently experimented with the use of explosives to tenderize meat. The procedure, which involves placing a slab of meat on a steel plate on a water-filled garbage can, is said to not only break up tough fibers, but also to kill E. coli bacteria.

## Rome

The art of debate in the homeland of Cicero, as reported by The Associated Press:

A debate between Alessandra Mussolini, granddaughter of Italy's political leader from 1922 to 1945, and a parliamentary deputy, climaxed as the debaters threw microphones, kicked and hurled insults at one another.

## Riyadh, Saudi Arabia

Very effective disincentive to the use of electronic devices on airplanes, reported by The Associated Press:

An army captain who was caught using a cellular phone on an airplane contrary to the airplane captain's instructions was escorted from the plane by airport security officers and has been sentenced to 70 lashes.

## Seattle

New mayoral duties in the Emerald City, as reported in the *Seattle Post-Intelligencer*:

A proposed initiative would declare Nov. 30 "Freedom to Peaceably Assemble Day" to commemorate the World Trade Organization protests. The mayor would be required to "sit on a dunk tank for at least 30 minutes."

## Wisconsin

New heights in political organization, as reported by the *Milwaukee Journal Sentinel*:

A veteran appeals court judge failed to appear on the ballot because his effort to obtain the required 2,000 signatures obtained only nine signatures.

## Fairmont, W.Va.

Respect for our heritage survives in the Mountain State, from a dispatch in *The Wall Street Journal*:

Regarding a proposal to change the name of Pinchgut Road, a county commissioner said, "History kind of compels you to leave it the way it is."

## Warm Springs, Ore.

Expanding the scope of equal opportunity, from an advertisement in *The Oregonian*:

The Indian Health Service has a full-time position open for a computer specialist. But "preference . . . is given to qualified Indian candidates. Other than Indian preference, we are an equal opportunity employer."

## California

Innovative technique for rehabilitating felons in the Golden State, reported by *Prison Legal News*:

Several California cities now offer special accommodations to nonviolent offenders. For \$76 a day, a prisoner can get a private cell with cable TV, a video library, and an exercise bike.

Special thanks to Bob Tiernan, Ivan Santana, Russell Garrard, and Martin Solomon for contributions to *Terra Incognita*.  
(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or e-mail to [terraincognita@libertysoft.com](mailto:terraincognita@libertysoft.com).)

# Let's Retire the Drug War

## by Jacob G. Hornberger



Retired army general Barry McCaffrey has announced that he is now retiring from his position as America's drug czar. If only he would take the war on drugs with him.

Of all the domestic wars that the U.S. government has waged in the last several decades, the war on drugs has got to be the most immoral and destructive of them all.

The drug war has constituted a frontal attack on individual liberty. It has provided an excuse for government officials to trample the Constitution, especially the provisions of the Fourth Amendment. It has caused death and destruction of innocent people, not only here in America but overseas as well. It has provided a means by which racism has been able to raise its ugly face in an innocent guise. And by everyone's standards, the war on drugs has failed to accomplish its own purported goals despite at least 30 years of warfare.

What does it mean to be free? At the very least, freedom entails the right of every adult to sit in the privacy of his own home and do whatever he wants, as long as his conduct is peaceful and non-abusive. Drink beer. Smoke cigarettes. Snort cocaine. Watch dirty movies. Listen to music with obscene and violent lyrics. Read smutty books. Have sex. Eat fatty foods. Cuss. Even criticize government officials.

If a grown-up is subject to being punished by the state for engaging in any of this conduct, then no one in society is free. And it doesn't matter whether you yourself never engage in any of it. If the state has the power to punish anyone for doing it, then that's a society in which tyranny is reigning for everyone.

The drug war enables and encourages the police to peer into your windows, examine your trash, monitor your bank accounts, turn your children into stool pigeons and haul you into court and send you to jail for engaging in what public officials consider to be personal, immoral conduct within the privacy of your very own home.

Is this the kind of country you want for yourself and your family?

Look at what they've done to our Constitution, which our ancestors intended to be an impenetrable barrier against unreasonable searches and seizures. Whether you're in your car, at the airport, walking down the street, or even in your own home, you're subject to being accosted and searched by the drug police and their drug dogs, especially if your skin happens to be dark.

What better way to wage bigoted wars against racial minorities than the drug war? Does anyone really believe that it's only a coincidence that federal and state penitentiaries are filled with blacks and Hispanics who have violated drug laws? That racial profiling takes place because cops have a good-hearted concern that blacks and Hispanics are ingesting harmful substances?

Ever since President Nixon declared war on drugs (and antiwar protesters), U.S. officials have invaded foreign countries; had drug lords extradited to the United States; killed innocent people in drug raids; barged through doors all across America; executed countless search warrants, many of them based on perjured testimony; arrested, indicted, and incarcerated

tens of thousands of nonviolent people; confiscated millions of dollars in private assets, much of it from innocent people; invaded the privacy of thousands of financial institutions; expanded the ranks of law-enforcement; and spent hundreds of millions of dollars.

What do they have to show for it after 30 years of warfare? Good intentions?

Through it all, they've never answered two fundamentally important questions with respect to the issue of individual liberty. Why should the state have the power to punish adults for ingesting harmful substances? Doesn't the very essence of human liberty entail the unfettered right to engage in self-destructive behavior?

For more than three decades, the drug war has assaulted our liberty, invaded our privacy, trashed our Constitution, increased our taxes, and provided an innocent cover for government bigotry. It's time to put the war on drugs out to pasture.

*Mr. Hornberger is founder and president of The Future of Freedom Foundation ([www.fff.org](http://www.fff.org)) in Fairfax, Va.*

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Santa Clara University is the oldest institution of higher learning in California. It boasts a beautiful, mission-style campus, an excellent climate, and easy access to the cities, coasts, and mountains of Northern California.

**Left to right: Daniel Klein, David Friedman, Laurence Iannaccone, Henry Demmert, and Fred Foldvary.**



**To learn more about  
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