

Liberty

May 2002

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The Devil
in
Ms. Yates

Liberty vs. Security: Drawing the Line

by Chip Pitts and Jennifer Holmes

The Trouble With Darwin

by Gordon Tullock

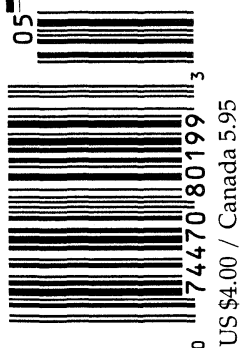
Holocaust Denial on the Left

by Barry Loberfeld

The Folly of Nation Building

by Alan Bock

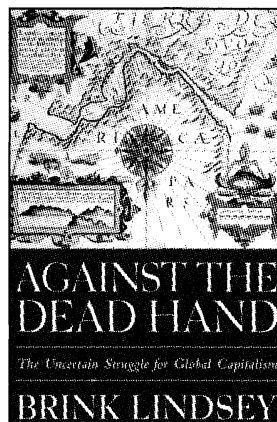
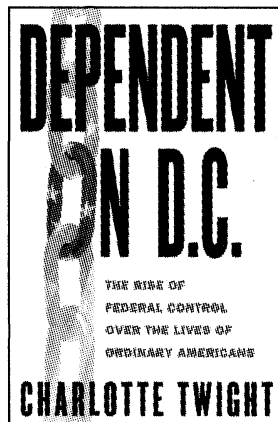
Also: *Joseph Bast* looks at the Religious Right, *Frank Fox* explores Islam, *Michael Acree* examines new evidence that the human brain is hardwired for anarchism . . . plus other articles, reviews & humor.



"Liberty is generally born in stormy weather."—Tocqueville

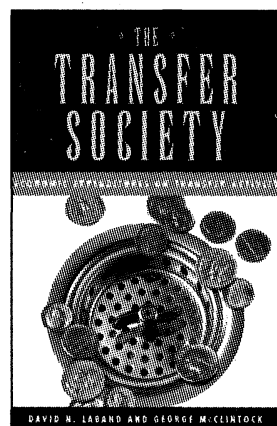
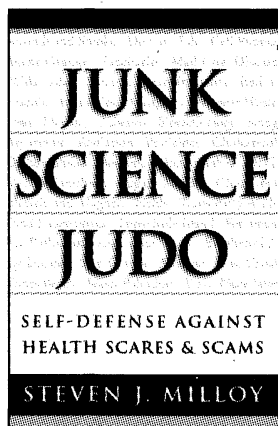
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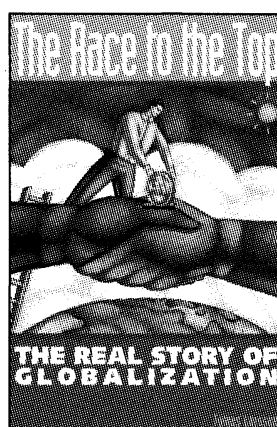
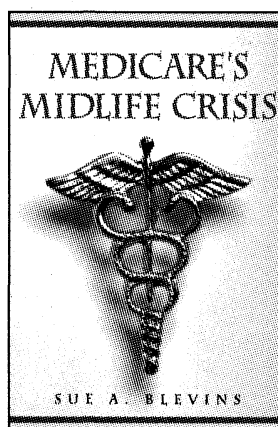
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May 2002

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Letters

The Great Enslaver

Timothy Sandefur's undisguised admiration for Lincoln ("Lincoln the Jeffersonian," April) is hard to stomach. Lincoln is responsible for the deaths of 620,000 Americans, in return for which slavery was abolished (as it would have been anyway) and we got one country instead of two.

There is little doubt that all of us, including the descendants of the slaves, would be far better off today had the South been left free to go its own way. The huge central government that we suffer under would not exist. Competition between the Union and the Confederacy would have kept taxes and government power low, as people could easily have escaped from one country to the other.

Whenever you suffer from government today, you can thank Lincoln.

Richard D. Fuerle
Grand Island, N.Y.

Wrong Declaration

If Abraham Lincoln "always insisted that the Declaration of Independence set forth a timeless truth" regarding government, evidently it was not the one Thomas Jefferson set forth as the right of a people "to alter or to abolish it, and to institute new Government . . ." — in other words, the timeless right of secession.

William Lee Miller attempts to restore the Lincoln myth after Charles Adams' *When in the Course of Human Events* and Jeffrey Rogers Hummel's *Emancipating Slaves, Enslaving Free Men*. Both, per de Jasay, "took a machine gun to that sitting duck."

Jack Dennon
Warrenton, Ore.

Donde Esta el Logic?

Any first-week libertarian could pilot the QE2 through the gaping holes in Al Winter's justifications for America's fascistic immigration policies ("Letters," March). Everything he men-

tioned — California shortages of housing, electricity, water, and freeway space — is either heavily regulated or an out-and-out monopoly of some level of government.

Furthermore, what evidence is there for his claim that a full 95% of migrant workers' pay is sent back to Mexico? And even if that dubious claim is true, wouldn't increased wealth and a rising standard of living in Mexico — from whatever the source — erode the desires of Mexicans to travel "al norte"? Obviously, he hasn't the vaguest notion about how the free market works.

John Clark
Steamboat Springs, Colo.

Thumbs Down

"The Death of Money" by R.W. Bradford (April) reminds me of my own monetary nightmare, which is a society with no cash, checks, or credit cards. To buy anything you must put your thumb into a machine which reads your fingerprint and debits your account. If there is an outstanding warrant against you, the machine calls the police, grabs your thumb, and holds you until the men come and take you away.

Paul Studier
Lake Forest, Calif.

The New Money Laundering

Anent the "tagging" of paper money through the use of RFIDs: I predict the rise of money-changers as a method of protecting the privacy of cash transactions.

Here's how it will work: You receive a sum of money from your bank or ATM. It is magnetically imprinted with your "name." You now take this money to a money-changer who, for a modest fee, exchanges your "marked" bills for a mixed bag of "other people's money," which he obtained through similar transactions and with whose money he will now

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scramble yours. Any trail to the original issuer and to you is hopelessly scrambled.

Needless to say, such a transaction will cost more than it should because it will be illegal.

Albert S. Kirsch
Bal Harbor, Fla.

Riggenbach's Rant

I found Jeff Riggenbach's rant on journalism school ("Drugs in the Media: All the Lies That Are Fit to Print," March) amusing. He has nothing but scorn for those who waste their time on such trivial subjects as learning how to proofread. Clearly, Riggenbach was too busy getting a "solid grounding in history" to worry about such nonsense.

His argument might have been a little stronger had he not written a blurb for his article "Everyone 'know' drugs are addictive, ruining the economy, and killing addicts." Last time I checked, the word "everyone" is singular. Maybe Riggenbach could benefit from a little vocational training himself.

Amelia Cason
Washington, D.C.

The editors respond: Mr. Riggenbach, like other authors, is not responsible for the blurb at the top of an article or for proofreading his finished article. Titles, subtitles, and blurbs are written by *Liberty's* editors, and the entire magazine is proofread by our proofreader, who apologizes to Mr. Riggenbach, and to the readers of *Liberty* for failing to detect the egregious typo that Ms. Cason spotted. He acknowledges that he is not perfect, and promises to endeavor to be perfect in the future.

Kudos for Holzer

Erika Holzer's review of *In the*

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

Mail to: Liberty Letters, P.O. Box 1181, Port Townsend, WA 98368. Or email to:

letterstoeditor@libertysoft.com.

Bedroom (April) was, at once, extremely clever, intelligent, and entertaining. The whole tone of the piece has a lovely friendliness — affection for the reader permeates the writing. I loved the lesson on naturalism and the allusion to Shakespeare. "Lady MacBethish" — great!

Jeff Warren
Los Angeles, Calif.

More Kudos

I enjoyed Erika Holzer's article about *In the Bedroom*. Her insight into its flaws were right on! The movie was long, drawn out, and boring. And while I thought Sissy Spacek's performance was very good, I didn't realize, until Ms. Holzer pointed it out, that Sissy showed her brilliance only in a

few scenes. The movie certainly wasn't the "thriller" that *Eye for an Eye* was.

Carolyn Bussard
Santa Fe, N.M.

Viewers 1, Reviewers 0

Erika Holzer's article about the film *In the Bedroom*, an article in which she integrates Ayn Rand's concepts, is a valuable minicourse in writing. For me, it was also a catalyst.

My initial response to the movie, putting aside three fine performances, was that the whole thing was pointless, melodramatic, and stretched credibility. Unlike Holzer, I'm not a lawyer, but I couldn't buy the convenient plot device of a court not pressing for trial, thereby enabling an arrogant young

continued on page 46

From the Editor . . .

The War on Terror grinds on, but so far its impact on American life has pretty much been limited to inconveniences in airports (a natural object of complaint for upwardly mobile pundits) and a few liberties lost here and there (a problem that few pundits ever pay attention to).

In this issue, we follow the lead of the people, not the pundits. Just as ordinary Americans try to continue their peaceful pursuits in the midst of war, so *Liberty* continues to examine issues that have nothing to do with the Taliban. Thus, Gordon Tullock weighs Darwin's theory and finds it wanting. He also suggests how it must evolve if it is to survive. In a very provocative essay, Joe Bast argues that libertarians must finally learn to get along with conservatives and the religious right. That's not going to be easy to do if many of us agree with Sarah McCarthy's theory that Andrea Yates is a victim of the religious right.

Steve Pendleton tells people who cannot wait for total freedom where they can go to find it now. Speaking of total freedom, Michael Acree reviews the evidence that the human brain is hard-wired for anarchism.

Miles Fowler follows with an examination of a major Western novelist, and perhaps the most eccentric individualist of the 20th century; and Barry Loberfeld wonders how people can mourn one catastrophic attack on individual liberty without giving the same kind of attention to another, perhaps even greater such catastrophe.

We hope that our momentary inattention to the Taliban, etc., does not mean that the terrorists have won, but just in case it might, Frank Fox brings us back to our senses by asking if Islam will ever find its Martin Luther, and Alan Bock provides a look at the folly of "nation building," a policy that George W. Bush denounced until he conquered Afghanistan.

Meanwhile, our Reflections section notices the liberties we are losing (we figured that somebody ought to notice). It brings up a few other things, too. There's a lot going on in this world, and there's a lot going on in this issue of *Liberty*.

R. W. Bradford

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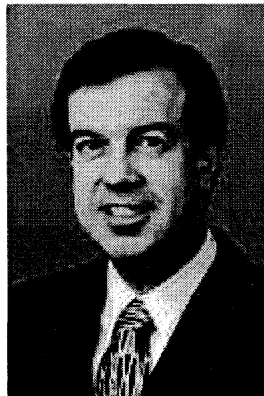
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Reflections

Cowardly New World — March 11 was the day the War on Terror celebrated its six-month birthday, and a day for the pundits to comment on how the war has been going. We've now destroyed the Taliban government, which we helped to create, and destroyed the fighting ability and most of the soldiers of al Qaeda, which we didn't help to create. It has been a swell war so far.

The few casualties we've had have pretty much been accidents, and there's been lots of good television, thanks to precision bombing (not quite as sharp as the stuff on a teenager's X-Box, but still pretty cool) and all those pictures of Afghan women grateful to walk with naked faces after years of hiding behind Taliban-imposed veils.

Our airports feel a lot safer, now that the National Guard's weekend warriors are standing next to every security checkpoint with machine guns and cammies. Sure, it's a little more difficult to fly (not to mention to go to a football game), but it's worth it to know we're secure. Meanwhile, people who look as if they might be Arabs are stopped, searched, and even held by the police at whim. There have also been a few incidents of, well, murder of innocent foreign-looking people. It's a small price to pay.

President Bush — the same president who was seen by the media and most of his fellow citizens as a so-so leader and, well, perhaps, a little slow — now polls out as one of the three greatest presidents in American history. Congress also enjoys new esteem, thanks to its willingness to pour money into the war and to give new powers to the police.

If press reports are to be believed, we are now ready to go into extra innings and attack Iraq, as soon as we can manufacture enough smart bombs. (We used up our inventory in Afghanistan.) And after Iraq, we'll go for Iran, then North Korea. Or maybe North Korea and then Iran.

The war that was born with the outrageous attack on Sept. 11 is now a robust baby boy, bursting with testosterone, ready to conquer the world as soon as he grows up.

Welcome to Pax Americana. Enjoy yourself.

If you value human liberty, however, this is not a good time for you. War has always been conducive to the growth of government power and the War on Terror is no exception. At every level, government officials have used the war to rationalize increases in their revenue and power. Three days after Sept. 11, the University of Washington announced that to prevent terrorist attacks at football games, people attending them would no longer be permitted to possess political pamphlets. Last week in San Francisco, armed federal agents moved in on a medical marijuana garden, arresting the people who were growing the herb for free distribution to cancer victims. California voters legalized medical marijuana five years ago, but until last week federal authorities were reluctant to overrule state

law by violent means. But the War on Terror provided an opportunity. "History teaches us that in a time of national emergency, and we have seen that since Sept. 11, a nation's moral values are clarified." Thus drug czar Asa Hutchinson, explained his philosophy of human life.

And it's not just cancer victims who are now the enemy. It's every American who values freedom — as Attorney General Ashcroft reminded us: "To those . . . who scare peace-loving people with phantoms of lost liberty, my message is this: your tactics only aid terrorism, for they erode our national unity and diminish our resolve. They give ammunition to America's enemies and pause to America's friends."

The enemy is also every member of America's productive class. Government spending in the name of the War on Terror has been tremendous, and it will increase still further as the war goes on. It's an open secret — so open that it's been published on the front page of *The Wall Street Journal* — that a huge portion of the increased military spending is pork, plain and simple, and fights terror no more than do the restrictions on free parking at airports.

How long will the War on Terror last? Members of the governing class, aware of the opportunities that war offers for the aggrandizement of their own wealth and power, hope it will last forever. America's destiny, they seem to think, is to rule the world, eradicating governments that they themselves don't like, installing new ones that they do, arresting people on the high seas and even in other countries.

This is a new kind of imperialism. The United States has no desire to bring the world under its direct government. In this democratic era, doing that would mean letting people in other countries vote in our elections, which would certainly threaten the job security of the governing class. And it would mean extending the "safety net" of welfare benefits to everyone, something that Americans could afford only at the price of a huge reduction in their standard of living. Americans are merely to be the world's privileged elite, and they will pay for this exalted status merely with the coin of liberty. And — with the exception of a few bad people, like me, who "give ammunition to America's enemies" — they will pay that price willingly and even happily.

— R. W. Bradford

Lies, damn lies, and Arming America —

So it turns out historian Michael Bellesiles, who wowed the intelligentsia with *Arming America*, made up a lot of the data he relies on to push his thesis that firearms ownership was rare in 18th-century America. Such outright duplicity is, one hopes, pretty rare in academia, making Bellesiles a sort of Stephen Glass of the scholarly world. But what's

really surprising is that so many people bought the argument in the first place — that he had to be exposed as a fraud before people recognized how flimsy his case was. First, why would one expect 18th-century probate records to list firearms as a matter of course? Firearms are personal property that, then as now, are usually passed by transfers among the living. Would an examination of current probate records provide an accurate picture of how many Americans own firearms today? Second, it's clear from contemporary accounts that gun ownership was quite widespread in the 18th century. Reading the *Federalist* the other day, I came across some illustrative passages. In No. 46, Madison, discussing the security of the people against an oppressive federal government, refers to "a militia amounting to near half a million of citizens with arms in their hands," and "the advantage of being armed, which the Americans possess over the people of almost every other nation." I guess he hadn't seen the probate records. — Gene Healy

No thanks, Officer

— Following a precedent established in Hawaii, the New Jersey Supreme Court has unanimously ruled that police may only ask for "consent" to search a car if they have "reasonable and articulable suspicion" of criminal activity. So-called "consent searches" have become a common police tactic, enabling them to rummage through automobiles to look for drugs, unregistered firearms, and other contraband.

When asking for "consent" to search a car, the police accurately recognize that most people who are confronted by a police officer do not know that they have the right to refuse consent to the search. The New Jersey court's decision in *State v. Carty* recognized this fact.

The Court quoted with approval David A. Harris's law review article "Car Wars: The Fourth Amendment's Death on the Highway" [66 *Geo. Wash. L. Rev.* 556 (1998)] in which Harris decried "consent searches" predicated on mere traffic infractions: "Treating all citizens like criminals in order to catch the malefactors among us represents an unwise policy choice, an outlook favoring crime prevention over all of our other values."

Unfortunately, most state courts have followed the federal rule created in *Schneckloth v. Bustamonte*, 412 U.S. 218

(1973), by which a person can be deemed to "consent" to a search even if he did not understand that he had the right to refuse consent.

Remember, no matter where you are, if the police have probable cause or other legal justification to search you, they won't ask permission. If a policeman asks you if he can search your car, you have every right to say no. You have no obligation to give a reason. Just say No. — Dave Kopel

Legislative report — According to *The Wall Street Journal*, the Republican-dominated House has passed "two-

strikes" legislation requiring a life sentence for anyone convicted of two federal child sex-abuse offenses.

Come now, isn't it time for the Vast Right Wing Conspiracy to leave Bill Clinton alone? — Clark Stooksbury

Monday morning legislating

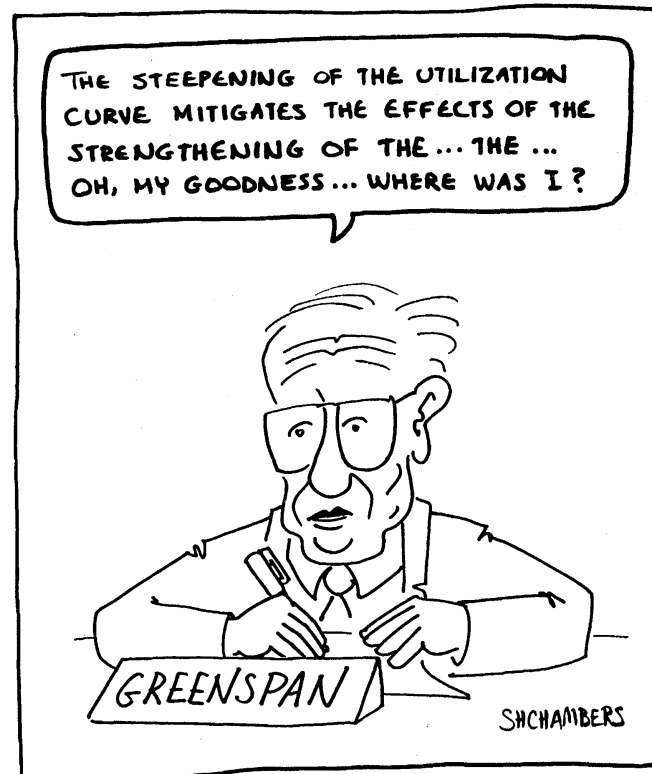
— After a football game, it would be unseemly to hear commentators discussing how the rules might be changed to allow the losing team to win next time. Yet that is exactly what's going on in the Yates post-trial phase. Virtually all the discussion is how we can change the rules so that the next Andrea Yates can be acquitted by reason of insanity. Most of the discussion is along these lines: The knowledge - of - right - and - wrong standard is too cut and dried because it's too easy to conclude from the defendant's behavior that he knew that his acts were wrong. So let's

ditch that standard and switch to some variation of the "irresistible impulse" standard. After all, if someone says, "I couldn't help it," how can that be disproved? It's irrefutable! — Sheldon Richman

Fly the regulated skies — California airports have been shut down on several occasions because their \$1.7 million CTX scanners mistook things like a Mickey Mouse snow globe, a dummy grenade, and a food processor for bombs.

The big problem with airport security is that FAA regulations apply across the board, and won't let the market react to circumstance. For instance, if airlines were to maintain their own security, travelers could choose the airline that best met their security needs. For example: Quick and Dangerous Air — "We'll get you there faster than the other

THE PRECISE MOMENT IT BEGAN...



THE CRASH OF 2002

guy . . . maybe." It would have absolutely no security restrictions or checkpoints. It's quite possible that the carrier might even have a better security record than airlines with intrusive checks — a terrorist would be foolish to try and hijack a flight on which any of the passengers might be carrying firearms. If there were a mid-air shootout, the airline would be immune from lawsuits, since everyone aboard would have been flying with full knowledge of the risks involved.

Allowing airlines to self-regulate could spawn a host of innovative new carriers, like Smokers Airways: "All seats, all smoking, all of the time." Be sure to wear only brown clothes, and the masks will remain down throughout the entire flight for anyone who might like to breathe.

— Tim Slagle

Psychiatrist, diagnose thyself — By now I would have expected psychiatry to have a diagnosis for someone who coerces others for their own good. But then I guess that would hit a little too close to home.

— Sheldon Richman

If Swedes ruled the world — It seems to me that if we put the Swedes in charge, the situation in Palestine would clear up of its own accord.

Look at the record. Sweden went from being the land of the Vikings to, well . . . a land of sanctimonious wimps who, if you don't count a few under-the-counter ball bearing deals that kept the Nazi armies in the field an extra year or two, hasn't bothered much of anybody as long as any of us can remember. And they did it all with a government-enforced enlightened social policy.

I'm not sure how the mechanics of this works, but there are people in Sweden who earn their living by second-guessing the names parents give their kids. So, if Mom and Dad don't get it right, they get to try again. Which means that if you are a little boy you wind up with a good, masculine name to grease your way through the schoolyard years and on into a confident adulthood with nothing to prove in the manhood department. Think about it. When was the last time you met a Swede named Melville?

Well, the Middle East could do with a few more Thors and Magnuses instead of all those girly names the boys seem to get tagged with. No wonder those guys think they have to dress up in bullets and bombs just to go into a nightclub. What kind of luck is some poor schnook going to have sitting down next to one of those gorgeous Jewish chicks and saying, "Hi, I'm Ali"? He might as well just blow himself up and be done with it.

To make things worse, countries in the Middle East tend to be led by people with names out of old Steppin-Fetchit movies. How can anybody feel like he has a stake in society when he constantly has to kowtow to all those Yassirs and Nassirs?

Things are even worse in poor old Israel. No wonder Ariel Sharon is a blood-soaked, psychotic mass murderer. The guy's named after two girls, for

heaven's sake.

And what about the Americans representing our government in the Middle East? The fellow in charge of the whole shooting match calls himself Tommy, while our head admiral goes by the name of Stufflebeam. It's like the fourth-graders are in charge. You can just see the freckles and the shocks of red hair sticking out to the side.

And this Gen. Zinni the president keeps talking about? My guess would be he's a *Star Wars* character. I'm thinking about one of those guys who watched from the Rebel Base while Luke blew up the Death Star. This does not instill confidence in his prospects.

So here's my solution to three social problems at the same time: Convince the Swedes to offload their name-nannies onto the Middle East, bring our fourth-graders home, and let nature take its course without any further guidance from us. This will bring peace to Palestine, propriety to American foreign policy, and freedom to Sweden.

— William Merritt

A whiter shade of paleface — Players on the Native American University of Northern Colorado intramural basketball team have named themselves the Fightin' Whities — to satirize the tradition of using Indian mascots for sports teams. It was intended to give racists a taste of their own medicine, so the Native Americans were surprised that white people across the country were greatly amused and are swamping the team with requests for jerseys. Maybe Native American activists need to learn the white man's sense of humor.

— Tim Slagle

Academic freedom from information — Recently I tried to discover information about a former colleague, now a full professor at a state university, who had been accused of plagiarism a decade ago. I heard that the

Update: Libertarians Win Six Seats in Costa Rica's Congress

In the April *Liberty*, I reported that candidates of the Movimiento Libertario had won four of the 57 seats in Costa Rica's national congress in the Feb. 3 elections, were leading by a small margin in a fifth race, trailing by 9 votes in a sixth, and that vote recounts would determine the final winners by about now.

Well, all recounts are in and the court battles are over. The results are final, and Movimiento Libertario won both contested elections! As a result, six of the 57 congressmen who will take office on May 1 will be libertarians.

The upcoming congressional composition shows that no party even came close to getting a majority of seats (the leader only got 19, a third). The traditional parties only have 36 seats among them, and to set the agenda of Congress 38 votes are needed. Thus, unless all other parties ally against Libertarians, which is very unlikely given the current political situation in the country, the Libertarian agenda will have to be included in the agenda of Congress.

— Raúl Costales

case had been “settled” and forgotten — until he was again accused of plagiarism. Attempting to get more information about the terms of settlement, let alone details about the plagiarism (which should after all be based upon verifiable evidence), I discovered that nothing was available in print about the first case. As for the second case, the only information available came from an unsympathetic departmental colleague who heard that the case went to some university committee a few years ago, and nothing had been heard since.

Thinking it odd that such information should remain unavailable at a “public” university, I asked another friend, a former professor, to explain this peculiarity. She reminded me that universities, even public universities, have secured exemptions from the Freedom of Information Act. Try to find out about student suicides, she challenged me.

— Richard Kostelanetz

No justice, no freedom — The Andrea Yates murder case underscores the insult to us all that the psychiatric worldview represents. Living well requires effort. It takes work to think about and plan one’s life, to get out of bed on time every day, to discharge one’s responsibilities with care, to be decent to one’s fellow human beings (even when they don’t deserve it), and to make sure there’s sustenance for self and family. But some people object to life’s demands; they resign and look for a way out, sometimes by killing themselves or others. The psychiatrists say that only disease can account for their acting that way — implying that those of us who live well, and let live, deserve no moral credit. Then again, if Andrea Yates isn’t responsible for killing her children, perhaps you and I aren’t responsible for not killing ours. No responsibility equals no freedom. That’s where all this leads.

— Sheldon Richman

George “Smoot Hawley” Bush — The Bush administration’s decision to abandon its free trade position to protect the domestic steel industry is distressful. Even Clinton didn’t give in to this special interest pleading. But it appears that taxing consumers to help the steel unions is more important than letting the free market work, at least to the Bush team.

The decision was totally political. The last election was close. Bush barely carried Ohio and West Virginia and he narrowly lost Pennsylvania. Restricting steel imports is expected to improve his prospects in these states in 2004. It goes without saying that politics always trumps economics in Washington.



“I’m a moderate Democrat, but I’m not fanatic about it.”

Whether this turns out to be good politics remains to be seen. Bush’s move undermined his stance on trade here and abroad and triggered outraged cries from the European Union, Brazil, and other nations — and may yet trigger a response of further trade restrictions. Certainly, it will encourage other U.S. businesses to seek protection, every one of which will make America a less prosperous place.

And he didn’t have to turn to protectionism to cover his political rear. The trade laws permit the president to offer any type of relief to a distressed industry. He could have suspended some of the more costly environmental regulations affecting the steel industry. Bush is a good communicator. He could have given a useful talk explaining that trade protection is wrong, akin to banning German or Norwegian contestants from participating at the recent Winter Olympics. Sure, we’d win more medals but it would reduce the value of the games.

Besides, we’re already in one war; the last thing we should be doing is triggering a trade war. — Fred L. Smith

Comic strip hermeneutic — Perhaps it is a sign of ignominy to admit in a highbrow journal to reading comic strips, so I’ll confess only to “scanning” the funny pages of the March 5, 2002, *Chicago Sun-Times*. My attention was drawn to a familiar word in Bob Thaves’ “Frank & Ernest” panel. A man, standing on a mountain after apparently reading a tablet suspiciously resembling the Ten Commandments, exclaims, “The libertarians are going to go bananas!”

This codswallop is yet another example of the common confusion between libertarians and libertines. The damage caused by this erroneous perception is incalculable. And yet one cannot help but think that its cause is the failure of those who herald freedom to emphasize how man should conduct himself as strongly as they chant the mantra of liberty.

— Howard Samson

What’s your shelf? — Powell’s, a huge Portland, Ore. bookstore, is the only one I know that sorts political titles by the topic “ideology.” It offers an expansive acreage of books on pinks and reds; territory a quarter that size for conservative books, a similar zone for books on “radical right and fascist” topics (anti-KKK and anti-militia, mostly), and the two smallest areas: libertarian and anarchist. As I poked around I noticed a constant stream of browsers, men and women in their 20s, all casually dressed, all studious. Their interest was the anarchist shelf. And only part of that: a volume of Max Stirner, and another of the individualist anarchists of the 19th century, remained untouched. Their fascination was the new stuff by authors I had never heard of, railing against globalization and the WTO. The whole time I was there, only one person went to the “leftism” shelves, and he finally came to me asking about Michael Parenti, a rabid anti-capitalist I’d sometimes heard on NPR, and Noam Chomsky. Another left-anarchist. Gad. I decided it was time to leave.

— Bruce Ramsey

Don’t write, don’t call — A while back, the *Kenyon Review* warned prospective contributors that it “does not read unsolicited manuscripts during the months

of April, May, June, July, August, December, and January, but we appreciate your interest and hope we will hear from you at a later day"; reminding all of us eager suitors to keep firmly in mind exactly which months the *Kenyon* cats are not in heat.

Since university-based quarterlies have never been too swift at responding to submissions anyway, so dependent are they upon unwieldy committees for decisions, it's hard to see what is gained for a magazine to announce so much inconsiderableness in advance. Perhaps nothing inflates a magazine editor's self-image more than announcing his or her idiosyncratic schedule of hibernation, forcing prospective contributors to remember not only the editors' names but also other personal details. ("Hey, Jack, can you remember whether Judy is in heat in June?") — Richard Kostelanetz

Stopping power — In Richard Linklater's movie *Waking Life*, there is a scene involving two gun owners in a bar. One tells a lurid story about shooting a knife-wielding madman. He then puts his gun on the bar and says that it hasn't been fired since the incident just described. "Why don't you try it?" suggests the barkeep. So the customer shoots the bartender, who, with his last breath, takes his own gun from behind the counter and kills the customer. The vignette seems to encapsulate perfectly the anti-gun-nuts' fantasy of gun owners as overgrown children with dangerous toys in their hands.

It flies in the face of the reality that the overwhelming majority of gun owners are far more adult than anti-gun advocates precisely because they have come to terms with the tangible power of the weapons in their control. It is the gun-control advocate who tends to be as careless of the power of the laws he would enact as he imagines the gun owner to be of his firepower. — Miles N. Fowler

The good, the bad, and the "good" bad

— How many people who believe that Andrea Yates killed her children because she is insane would stop believing it if they learned, say, that she had taken out a \$1 million life insurance policy on each child? Quite a few, I submit. Thus, apparently, there are "good" (i.e., acceptable) bad reasons and "bad" (unacceptable) bad reasons for heinous behavior. People with "good" bad reasons (say, greed) are sane and ought to be convicted and punished. People with "bad" bad reasons (say, a wish to thwart the devil or to escape an oppressive family situation) are insane and ought to be acquitted and treated. This sounds more like covert moral judgment than science or medicine.

— Sheldon Richman

Nightline of the Living Dead — ABC's attempt to replace its late-night "news" show *Nightline* with David Letterman's comedy show pleased me enormously in every possible way.

First, it demonstrated how seriously ABC is hurting — and it deserves to hurt. The same might be said about all three old-line networks.

For generations, the networks used government regulation to maintain monopoly power over the nation's sources

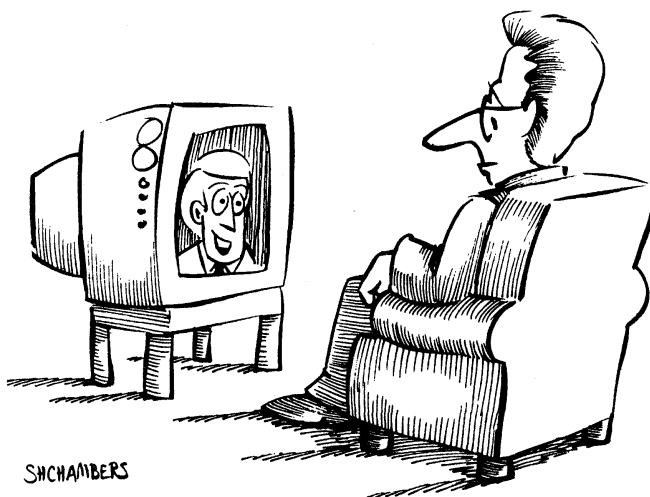
of information. Their core audience consisted of people too lazy to read a paper and too slow-witted to wonder why there were only three sources of television news and why all three sources said almost exactly the same things, with almost exactly the same tone and emphasis.

When cable TV and the Internet came along, and were allowed to compete, the networks' core audience began to shrink. It is very shrunken now. And it's not an audience that advertisers want: it's too old, too poor, too dumb. So this is the audience of ABC News; and, according to David Bauder of the Associated Press, "at ABC News . . . 'Nightline' has been considered a flagship." The fact that ABC wants to scuttle it shows how bad off the network really is. And the other two networks aren't far behind in the slide toward oblivion.

Second, the attempt to drop *Nightline* shows how bad off ABC's parent company is. That company is the Walt Disney outfit, which bears as much similarity to Walt Disney himself as a sweet little dachshund bears to a monster attack dog. For a decade or so, the Disney company has been waging a successful campaign to cheapen and stupidify American culture. It has also waged a successful legislative campaign, inducing Congress to pass a radical revision of the copyright law (the appropriately named Sonny Bono Copyright Term Extension Act). This revision will keep Mickey Mouse out of the public domain until he's so old that his tail falls out.

Now, however (hallelujah!), Disney's profits are flat and it's closing down some of its operations. The plot to eliminate *Nightline* was an example of its desperate search to cut *something*. Fine. I hope this is also a sign that someday soon, the cats will finally get hold of Mickey, and do their duty.

Third, the *Nightline* crisis focused attention on how really, really bad network news has always been. Don't talk to me about Edward R. Murrow. I've listened to the tapes. I've seen the videos. If you think that what Murrow did was high-quality news reporting, then you have exceptionally low standards. But that's what the networks have always had, and rigorously maintained. Here's the proof.



"Philip Morris closed sharply higher today on rumor of takeover by the Social Security Administration."

When *Nightline* came along in 1980 (as, initially, a series of reports on Jimmy Carter's Iran crisis, a crisis that, luckily for the show, quickly became chronic), it impressed almost everyone as a welcome relief from all other network "news" fare. And it wasn't any better then than it is now.

Nightline's highpoint, then and now, is the moment in every broadcast when Ted Koppel interrupts a long-winded guest to say, even more long-windedly, "Now, please allow me to interrupt you for just a moment. Some of our viewers may not have a complete understanding of what you mean by such terms as 'Congress,' 'bill,' and 'law.' So, for the benefit of our viewing audience sitting at home right now, would you please clarify the process by which 'Congress' transforms what you are now calling 'bills' into what you a few minutes ago called 'laws.' Thank you very much. Please proceed now." It's almost impossible to imagine a drearier interview style. Anyone who had a style like that at Fox News would be bounced during the first commercial.

But before *Nightline* came along, no one ever interrupted a guest on television, no matter how incomprehensible, turgid, or tedious the guest had become; after all, he wouldn't have been invited in the first place if the network didn't like him. Koppel broke the interruption barrier and was hailed for his bold imagination and inspired intuitions in the field of broadcast news. That's how bad the situation was in 1980. Now 22 years have passed, Koppel is still doing exactly the same thing, and the response from critics, pundits, and other people who purportedly spend their whole lives caring about the intellectual quality of television news is even more hysterically favorable to him than it was in 1980. That's how intellectual *they* are.

Well, Letterman wouldn't come to ABC, so Koppel is staying. At least for the moment. And, on second thought, I hope that the moment is long.

In his first inaugural address, Thomas Jefferson said, "If there be any among us who would wish to dissolve this Union or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it." In that spirit, I say, If there be among us any tedious, irrelevant, pseudo-news programming, created in

the days of the network news monopoly, let it stand undisturbed as a monument to the intellectual pretensions of the modern liberal elite and to the freedom of choice that more rational viewers now enjoy.

— Stephen Cox

Where were the inside traders when we really needed them? — Contrary to what you hear from just about every politician and every pundit, the Enron collapse suggests that less regulation might make future disasters of this type less likely.

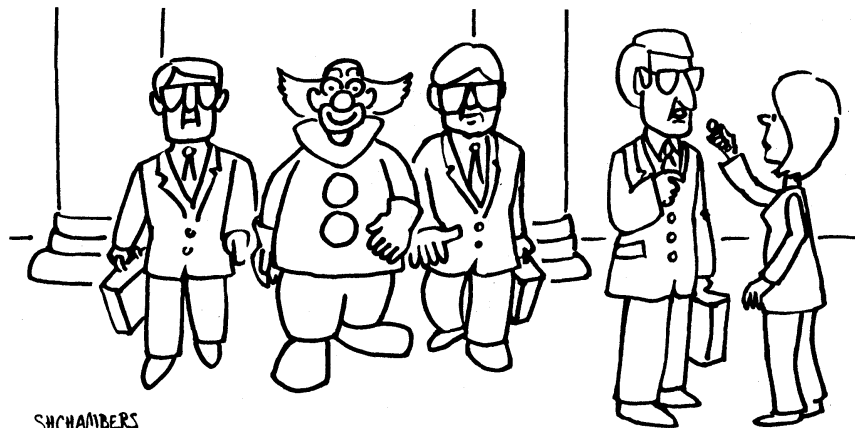
Enron, like most companies, sought to minimize liabilities on its balance sheet by transferring debts and risks to external parties. As most readers of business pages know by now, the entities to which Enron transferred many of its liabilities were creatures of Enron itself. Shifting risks to such entities is merely internal bookkeeping and has no net benefit. Shell games like this come close (or perhaps exceed) the threshold for fraud and the courts will be deciding whether stupidity or criminality is the more plausible explanation. But fraud isn't new and laws against that problem have long existed. No new regulations are needed here.

But other regulations may have deadened the market's ability to detect Enron's problems earlier, when they were less severe and when corrections would have been less costly. After all, some people knew much of the Enron story much earlier, indeed, at a time when Enron's share price was rising sharply. But markets are efficient and knowledge that a company is in trouble inevitably results in people selling the stock, driving down its price. What made it possible for Enron stock to soar to the \$90 range while it was getting into worse and worse shape?

Certainly the laws against insider trading are part of the reason this happened. After all, the rationale for such laws is that no one should be allowed to profit from information garnered because of one's special position within the firm. It wouldn't be fair! Outsiders can gain from acquiring knowledge but insiders, whom we would expect to know more, can't.

Had Enron insiders been able to sell based on their realization that the firm was in trouble, Enron's share prices would never have soared so high and fewer investors would have rushed to purchase the stock. And, of course, the investors would have experienced lower paper losses when the share prices did drop. Instead, the share price increased rapidly throughout 2000 — creating the bubble. The Enron employees who thought they were rich soon found they weren't, and lots of other people lost money.

As Hayek and the Austrian economists spent their lives explaining, markets are best viewed as institutions that communicate information about the value of goods and services. If there is no ability to exchange goods, then that knowledge cannot exist. Under current law, outside investors can invest (or disinvest) in a firm based on their knowledge about it. But those in



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the best position to learn critical information about a firm face major barriers to using and profiting from such information. Not surprisingly, many insiders — managers, employees, auditors, and investment analysts — find it less worthwhile to dig deep to find the real status of the firm. The executives' positions depend upon the firm's success. If they are unable to profit from bad news, they will tend to hide it, hoping they can turn the situation around.

The result of insider trading laws is that less energy is put into assessing the viability of firms. And, thus, stock values are always somewhat distorted. In most cases, those distortions are minor. In the Enron case, they were massive — and that fact turned a problem into a disaster.

— Fred L. Smith

Prairie fifth columnist — “Disgusting,” exclaimed Rep. Tom Delay. Sen. Trent Lott fumed, “How dare Senator Daschle criticize President Bush while we are fighting our war on terrorism, especially when we have troops in the field? He should not be trying to divide our country while we are united.”

Had Daschle denounced U.S. imperialism while linked arm-in-arm with Jane Fonda and Saddam Hussein? Did he attack President Bush as an election-stealing dolt who left America vulnerable to the Sept. 11 attacks?

No, the majority leader of the Senate, after praising the progress of the war to this point, said, “I think the jury’s still out on future success,” and “I think there is expansion without at least a clear direction.”

Daschle’s statements were fairly tepid criticism of a war that has so far been a big success, from a public-relations standpoint at least. But, at the risk of offending Delay and Lott, I think that this may be the only sensible thing Daschle has ever said. The war has achieved a few good results. Yes, the Taliban was perhaps the vilest regime of the last few years, and I’m glad it is out of power. Killing members of al Qaeda, and hampering its ability to operate, is a good thing. But whether the war has improved the long-term security of the United States is dubious. There is no guarantee that the Northern Alliance won’t turn on us in the future, or even that it will still exist in six months. If al Qaeda survives, it will no doubt have a much larger pool of potential recruits than it had six months ago. The continued presence of the U.S. military in Saudi Arabia serves both as a source of antagonism and as a target.

The Bush administration’s assaults on civil liberties at home won’t make us any more secure from terrorism, only less free. We are still vulnerable to terrorism and we can’t even talk about it in public. If fools like Trent Lott have their way, our extraordinarily narrow range of political “debate” will become even narrower, until perhaps Washington D.C. or some other major city lays in ruins.

— Clark Stooksbury

Springtime for Liberty — Sixty years ago, at this time of the year, Isabel Paterson, one of the exceedingly rare libertarians of her time, wrote in her column in the *New York Herald Tribune*: “Last week I was startled to see the word liberty in a new novel. . . . And it was spring again.”

There are many times — especially during a gray winter — when being a libertarian can seem like nothing more than a way of noticing how badly the world runs, how grossly stupid and immoral one’s fellow human beings can be. Merely to think of what goes on in countries like Zimbabwe or Saudi Arabia or the Sudan can be enough to make one abandon any optimism whatever about human beings. It can make one wonder whether the comparatively decent civilization of the modern West may actually be what its enemies often want to consider it — just a historical accident, one of fate’s little jokes.

Then one turns to the political conduct of Americans. Here, in a nation dedicated to liberty and filled with its blessings, the very people who crusade for liberty in certain spheres also crusade for its abolition in others—conservatives fighting gun laws, for instance, but also trying to outlaw pornography; modern liberals fighting censorship of the Internet, but also trying to censor “hate speech” on college campuses. Often, these people lack even the

You are startled, once again, to see that the spirit of liberty can never die, because it is part of our nature. And suddenly, it is spring again.

incitement of self-interest that keeps the slave trade alive in Africa. They are one of fate’s little jokes, but there isn’t even enough logic to make the joke seem funny.

But just when your meditations reach that point, something unexpected happens. You hear someone on the bus say, “Of course, we’ve got to end these laws on drugs.” Your town votes down the big new tax increase. Some public official “speaks out” in favor of political correctness, and finds that even the liberals are laughing at him. Somebody starts a private school and makes it run, despite the opposition of the unions and the state and local regulations and the com-

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petition of massively subsidized public schools. Somebody starts a business and makes it run, with no help from anybody except the willing customers.

Once more you notice, in other words, that people can think and act on their own, that spontaneous human action reasserts itself, and native common sense revives. You are startled, once again, to see that the spirit of liberty can never die, because it is part of our nature; that, like the return of the year, it can never be abolished. And suddenly, it is spring again.

— Stephen Cox

Drugs and terror — The Office of National Drug Control Policy (ONDCP) spent \$3.5 million of taxpayer money to purchase two ads during the Super Bowl that accused recreational drug users of supporting terrorism. The ads featured various people saying things like:

I helped murder families in Colombia. It was just innocent fun.

I helped kidnap people's dads. Hey, just some harmless fun.

I helped kids learn how to kill. I was just having some fun, ya know.

Then the screen faded to black with a message in bold white letters:

Drug money supports terror.

And a voiceover said: It's not like I was hurting anybody else.

The ONDCP followed up with a series of full-page newspaper ads, featuring extreme closeups of ordinary-looking people, with a caption printed in white letters across their

noses saying things like, "On Wednesday, I played tennis, went to the mall, and helped smuggle guns to the Taliban." Across the bottom of the ad was this advice, "Drug money helps support terror. Buy drugs and you could be supporting it too. Get the facts at theantidrug.com."

The Drug Policy Foundation reacted to these ads by sending out a press release calling the ads "a politically motivated misrepresentation of the actual relationship between terrorism and illegal drugs" and pointing out that "the drug war — not drugs themselves — creates the illegal markets which help fund criminal and terrorist networks."

The Libertarian Party did more. On Feb. 27, it ran an ad in *USA Today* and the *Washington Times*. At first glance it appeared to be one of ONDCP's ads: an extreme closeup black and white photo of ordinary-looking man with white letters across his nose. But there were three crucial differences:

The man was drug czar John Walters.

The message on his nose said "This week, I had lunch with the president, testified before Congress, and helped funnel \$40 million in illegal drug money to groups like the Taliban."

And the message at the bottom said, "The War on Drugs boosts the price of illegal drugs as much as 17,000 percent — funneling huge profits to terrorist organizations. If you support the War on Drugs or vote for politicians who wage it, you're helping support terrorism. Get the facts at www.LP.org/drugwar."

The LP had hoped it might smoke out czar Walters into a joint appearance on a news program. That did not happen. But the LP got a fair amount of media coverage, including an interview of LP honcho Ron Crickenberger on the highly-rated "The O'Reilly Factor." Crickenberger did very well.

I don't know about you, but sometimes I am especially proud to be a Libertarian.

—R. W. Bradford

Laughing yet? — Anyone notice that it's getting pretty creepy around the edges?

First, from the libertarian right, Lew Rockwell, president of the Ludwig von Mises Institute, is tallying up the goodies that'll flow our way if the terrorists blow up D.C.

"Let's say that Washington really was incinerated," writes Rockwell. "As difficult and alarming as this sounds, we live in times when horrible realities confront us every day. It is time that we deal frankly and honestly with the ugly prospect."

And, frankly, Rockwell sees more doughnut than hole if, praise be to Allah, the entire American capital is turned into a radioactive dust bowl: "The first thing that would happen is that your personal income would rise equal to the 40 percent you currently pay Washington in taxes. Because there would be nowhere to actually send the checks — excise taxes, income taxes, and payroll taxes would be meaningless."

He's serious. And retirement would be better: "Instead of having to wait for politicians to give us 'private accounts' for some portion of Social Security, we'd get real privatization with no FICA at all."

And if the wackos keep coming, to kill us all? No way,



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says Rockwell, not after they see we don't mean business: "The country would be immediately vulnerable to attack by terrorists! On the other hand, there would be no one to enforce sanctions against Iraq, pay the troops in Saudi Arabia, or fund the settlements on the Gaza Strip, so the terrorists would lose their rationale for suicide bombings and the like. They might just choose to go home to their wives and kids."

Imagine that. These single-minded nutballs, after knocking down the World Trade Center, after running a passenger jet into the Pentagon, after leveling D.C., "might just choose" to head on back to their caves to keep a lid on their women and make sure no kids are flying kites.

Granted, Lew Rockwell does hate the government. He hates taxation. He hates all the D.C. alphabet agencies. And he really hates how the bureaucrats have messed up his retirement money. But still, nuking D.C.? That's one hell of a path to privatization.

And why would the 40% in federal taxes go to zero? Wouldn't it go to 60%, or 80%, if we had to replace everything? Or do we just bulldoze it all into one giant pile and leave it for the next civilization to clean up?

Just as nuts on the left is award-winning columnist and cartoonist Ted Rall, busy of late keeping the readers of the *Washington Post*, *Los Angeles Times*, and *New York Times* in stitches with comic strips about the women who lost their husbands on Sept. 11. "Terror Widows" starts with a drawing of a woman with dollar bills flying over her head, and these opening words: "They're eerily calm. They smile and crack jokes and laugh out loud. They're the scourge of the media."

The next frame shows a woman speaking behind a glut of TV microphones. Her words: "Of course it's a bummer that they slashed my husband's throat — but the worst was having to watch the Olympics alone."

Next frame, a sketch of a woman sitting on a couch with armfuls of overflowing cash. Her words: "I keep waiting for Kevin to come home, but I know he never will. Fortunately, the \$3.3 million I collected from the American Red Cross keeps me warm at night."

In the final frame, a woman is being interviewed. "The unbearable grief of the empty spot in your conjugal bed must weigh down your heart with unimaginable pain." The woman's answer: "Huh? Oh yes, definitely." She's wearing the words "YOUR AD HERE" emblazoned across the front of her sweater.

A week later, Rall followed up with some fun comics about dead American troops. "Postmodern Heroes" starts with a sketch of two soldiers. The one in the USMC T-shirt says, "The REAL heroes didn't make it — they died for US."

Next frame, the two soldiers are looking at a photo of a dead colleague. "That's my old buddy Joey from Queens. No one knew as many bad jokes. Died in a helicopter crash . . . mechanical problems."

Next frame, a photo of another dead soldier. Asks soldier one: "Hey! Isn't that Big Ben? He loved his whiskey." Soldier two: "Sure is! Ben's helicopter went down on the way to Afghanistan. Rotor trouble, you know."

Next frame, a newspaper headline: "First Female

Casualty." Soldier one: "Well, at least Brenda got to die in battle." Soldier two: "Not quite. She fell out of a helicopter OVER a battle." Soldier one: "Oh right — she killed Ken when she hit."

Final frame: "Actually, Ken's chopper fell apart at high altitude. Brenda took out a DIFFERENT helicopter."

Laughing yet?

Mr. Rall's funnies are syndicated in nearly 100 American cities. In 1995, he won first place in the Robert F. Kennedy Journalism Awards for cartoons. In 1996, he was one of three finalists for the Pulitzer. Today, his wrap-up: "I think this country died quite some time ago, and I can't say I'm terribly sad about it."

Laughing yet?

— Ralph Reiland

Not yet — Much as I respect the thinking of Ralph Reiland (see previous reflection), I am not yet laughing at critics of state power, like Lew Rockwell. It's not that I favor incinerating Washington, D.C. — as nearly as I can tell, neither does Rockwell. I'm not laughing because I believe Rockwell has a good point: Ever-growing state power is a threat to me and to my country, and if we could dispense with it, we would all be better off.

Rockwell's idea is an interesting, if not particularly original, thought experiment, of the sort that philosophers have long concocted to explore moral issues. (Yes, I know, the first passage that Reiland quotes from Rockwell suggests the contrary. But Rockwell is plainly using a rhetorical device.)

Rockwell's conclusions seem inescapable, except that he overlooks an unfortunate fact. The federal government has plans to continue its rule if Washington were annihilated, and has infrastructure in place to implement those plans. We don't live in a George Lucas film where an attack on the Death Star will make the world safe.

— R. W. Bradford

Odd kid out — Like other John Stossel fans, I await each new ABC program eagerly, always surprised by his choice of an unusual subject and impressed by the support he apparently gets from a television network for his provocative, essentially libertarian investigations. (I've also been pained by discussions of him that grossly misrepresent his work, such as a critique in *The Nation* that portrayed him as a tool of corporate interests, blatantly forgetting that his feature on freeloaders concluded by identifying Archer-Daniels-Midland as the biggest mooch of them all.)

His recent documentary, "The 'In-Crowd' and Social Cruelty," begins as a gritty exposé of teenage nastiness that is scarcely unfamiliar to anyone recalling William Golding's *The Lord of the Flies*, not to mention his own experience. The climax is an interview with the parents of a daughter who committed suicide purportedly because of her schoolmates. The program concludes with less familiar institutional attempts to alleviate "social cruelty," which is an apt epithet that might catch on.

Two things were missing from the documentary: first, the alternative of pulling the socially disfavored kid out of school entirely, the libertarian alternative of home-schooling, and second, the option of simply changing schools. I know from my own experience in switching schools around the

age of eleven (and moving from the city to the suburbs) that I could be an insider in one place and an outsider in another. The truth absent from Stossel's program is that a teenage outsider need not be an outsider forever. Though all schools might be prisons, they surely differ from one another. Why Stossel missed the option of changing schools mystifies me.

Even as an adult, I've likewise noticed that I've "clicked," as I succinctly put it, with some social situations better than others, for reasons that have little to do with me per se but more with timing, values, culture, competition, and other factors that are unidentifiable; one difference between now and then is that now I'm generally free to move.

What was missing from this latest Stossel was libertarian intelligence.

— Richard Kostelanetz

A man, a plan, a boondoogle— The Bush administration is not his father's Oldsmobile — I mean administration — but it isn't Ronald Reagan's either. Bush II is amenable to reducing government, but he's not passionate about it either. So while there are far more people available to head agencies who would like to curb their power than there were in the 1980s, there are fewer jobs for them.

Still, there are a few individuals worthy of praise. One is Mitch Daniels, who heads the Office of Management and Budget (OMB). OMB seeks to curb government's destructive tendencies to overspend, overtax, and overregulate — it's the Dr. No of government. Most OMB Directors find this task daunting and soon step aside from the unpleasantness of always saying "No." However, a recent action by Daniels suggests he's not afraid to fight.

Testifying before a congressional budget panel, Mitch laid out the case for cuts in the Army Corps of Engineers' budget. Questioning was predictably hostile, but he stuck to his guns. On that same panel was the Bush-appointed civilian head of the Corps, Mike Parker, former congressman from Mississippi. Parker quickly parted company with Daniels and complained bitterly that the administration's budget would cripple his agency's ability to "do good." (The Corps theme song might well be "Dam Every River, Channel Every Stream!") Mitch fumed and when he returned to his office, wrote a memo to the president pointing out that Parker's testimony had undermined the administration's budget. The president actually read the memo and fired Parker! Not surprisingly, in this age of pork-barrel politics, Parker has been praised and Daniels castigated for the episode. Still, it demonstrates that the administration seems willing to stand its ground on spending. I suspect Daniels will survive.

This little inside-the-beltway episode has a special meaning for me. I grew up in a Corps household. My daddy was in the Corps of Engineers for 43 years. His last position was as resident lockmaster on Lock #1 of the Pearl River canal system. My childhood was a graduate course in the practices of the Corps. The Pearl River system had been on the Louisiana congressional delegation's wish list for many years. After World War II, Jimmie Morrison, then congressman from that part of the state (the Florida Parishes for you

history and geography buffs, that area in Louisiana that was part of Spanish Florida rather than part of the Louisiana purchase from France), finally got his turn at the pork barrel trough and Congress appropriated the funds to build a canal system linking Bogalusa, a paper mill town, to the Intercoastal Canal, the major waterway located along the Gulf and Atlantic coasts.

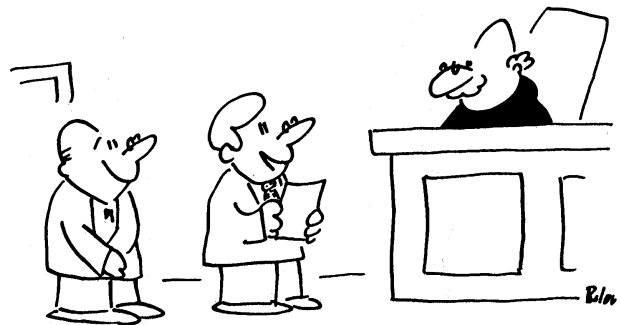
Building a canal is a massive undertaking. Millions of cubic yards of dirt must be dredged or bulldozed away to create the canal itself. Vast quantities of steel and cement were required to construct the three locks needed to elevate shipping from the Gulf to Bogalusa. And all this construction was occurring in one of the great swamps of Louisiana (Honey Island Swamp, where some believe the Ivory Billed Woodpecker may yet survive). Lockmasters live on premises, and I grew up in the midst of this construction project. The experience was instructive and entertaining — all in all

My daddy was in the Corps of Engineers for 43 years. My childhood was a graduate course in the practices of the Corps.

a great childhood. My brother and I would get home from school, throw on our bathing suits and swim till supper in the canal. Fishing, walks in the woods, hunting — all available literally in our backyard.

I remember vividly the day the system was completed. A ceremonial barge load of paper products (Bogalusa's major industry) was towed down the system, passing the various locks on its way to the Intercoastals. Bands played, pretty girls were kissed, flags were raised, generals were saluted, and ribbons were cut. And, of course, politicians gave speeches and speeches and speeches. The theme was upbeat: "Today, Bogalusa has been linked with markets throughout America. This canal system will repay its costs many times over as our local economies expand to serve these larger markets." And the barge moved along out of the lock and into history — because that was the last significant commercial load of anything that ever passed through the locks.

Why? Well, fairly simply, there wasn't much local commercial traffic to begin with, and what there was moved by



"Your Honor, my client pleads guilty to making poor lifestyle choices."

rail or truck. The government-regulated freight rates in those dark days, and higher rates were charged for land-locked cities. Opening the canal made Bogalusa a port city rather than a land-locked one, so its ground transport rates were lowered to a level where canal rates were not competitive. So local shippers decided to stick with their truck and rail connections. A few loads of sand and gravel came down the system in subsequent years, but nothing major.

Millions had been spent — the local economy had benefited from the construction funding for a few years — but nothing lasting came from the project. The canals gradually silted over and the locks were decommissioned. The canal system is no longer navigable. My childhood home and those of the other lockmasters have now been torn down.

A few years ago, I told this story to a meeting of the American Waterways Association in St. Louis. I expected hostile questions. And I did receive a few, although fewer than I expected. After the panel ended and I was leaving the platform, an individual came up, looked worriedly over his shoulder, and told me that he worked with the Corps and that I should know that an effort was underway to re-open the Pearl River system. I was a bit surprised and asked whether the economics of the project were now viable. No, he responded, they're even worse.

So I applaud Daniels' courageous effort to prevent such waste. Moreover, his feistiness suggests that there are some in the administration who seriously want to get rid of such idiotic porkery.

— Fred L. Smith

Stefan Heym, R.I.P. — Stefan Heym, who died recently in Israel at 88, was one of the most provocative, indomitable writers I ever met. Born in 1913 with the name Helmut Flieg in Chemnitz, Germany (later Karl-Marx-Stadt), he emigrated to the U.S. in the mid-1930s, took an M.A. from the University of Chicago and began publishing fiction in English. Joining the U.S. Army under his new name, he served in a battalion filled with literary men as they broadcast through loudspeakers and over radio, in addition to writing leaflets in various languages, urging the Axis soldiers to surrender. Among his colleagues in this battalion was Hans Habe, a Hungarian who returned to Germany to become a conservative polemicist; Eugene Jolas, who had edited the Paris-based, avant-garde literary magazine *Transition*; and the writer and publisher Peter Wyden, born Wydenreich, incidentally the father of the current senator from Oregon.

Military service secured U.S. citizenship for Heym. Returning to New York, he wrote novels significant enough to be mentioned in more than one history of 1940s American fiction. In 1953, hounded by the FBI, so he told me, he emigrated to East Berlin with his American-born wife, where he continued writing novels, first in English for deposit at the Library of Congress (to secure international copyright, no fool was he), then translating them himself into his native German. He received support from the East German literary authorities (whose approval was necessary to publish there) and his wife established a publishing imprint (Seven Seas) for communist classics in English, until he wrote a novel sympathetic to the 1953 workers' revolt in East Germany. Banned from publishing in his new country for more than

two decades, Heym repeatedly smuggled his manuscripts to West Germany where they became best sellers, and deposited his western royalties securely in Switzerland, where he vacationed. Fined at home for publishing abroad without permission, he told me that he took his bankbook to a court that simply deducted the requisite sum. He knew his prominence in the West made him immune to further state punishment. Every time he left East Germany, as he often did, usually to publicize his books or give interviews on West German television, he incurred the risk that the authorities would do to him as they did to his friend the poet Wolf Bierman — simply not allow him to return home. Courage Heym had in abundance.

"Why don't you live in West Berlin?" I asked him two decades ago at his house in East Berlin near the river in Grünau (the site of the rowing races memorialized in Leni Riefenstahl's *Olympia*). "I don't want to live in an American colony." Why did he want to live in the East? The experience of living in a country that was socialist in name but not in fact inspired his fiction, as indeed it apparently did. One repeated theme was the conflict between strong individuals and larger powers — an Ayn Randian theme incidentally reflecting his own life.

"Who can tell me about your last days in New York?" I asked.

"The FBI," he replied in perfect American English.

"Are you sure?"

"Yes."

"Did you ever get your FBI files under the Freedom of Information Act?"

"I'm no longer a U.S. citizen."

"I suspect you still are."

"Why?"

"Did you ever take East German citizenship?"

"I wouldn't do that."

"It's hard to lose U.S. citizenship," I replied, advising him to write my Greenwich Village swimming pool buddy, the lefty lawyer Leonard Boudin, who had experience helping sometime Reds negotiate with the U.S. government. Heym must have done so, because I remember reading in *The New York Times* about a large package of paper arriving directly from Washington in his Grünau house. Enjoying the image of some FBI shlubs in headquarters gathering pages with lots of black-out, I hoped he put those files to the best literary uses. Too bad neither the Nazis nor the Stasi were vulnerable to the FOIA, because those state policing agencies reportedly had files on him too.

His Cornell-educated stepson, Dave Gelbin, came to live in East Berlin in the mid-50s and stayed when he married an East German woman. Their daughter, whom I met in the East Berlin synagogue on Yom Kippur, spoke fluent American English even though she had never visited a "nonsocialist country," as she put it, because her "parents spoke American at home." She got some of her first jobs from East Germans who had spent the war years in English-speaking countries and out of nostalgia liked to speak English with her. To East Germans, the Heyms would always be ex-Americans. Eventually, once freed of communist control, she obtained the U.S. citizenship that her step-

grandfather had inadvertently retained.

When the Wall came down, Heym, still no fan of Western capitalism, became active in the remnant of the East German Communist Party, now devoid of Soviet-backed functionaries. Running (or standing, as the British would say) for a seat in the all-German parliament, he won. It turned out that the Bundestag had an established rule permitting the oldest member to give the opening speech each year. Accepting the privilege, Heym was as provocative as ever, not only in his words but in his presence as a communist, a Jew, and an American — a triple threat, as we say in American football. I read in an obituary that soon afterwards he resigned from the Bundestag when his colleagues voted themselves (including him) a 50% pay raise.

The tragedy was that novels popular in Germany didn't succeed here, for reasons I find mystifying, as they are not difficult, acknowledging stylistically such American models as Sinclair Lewis and Howard Fast, and often had Jewish subjects; but anyone who studies contrary receptions of the same figures in different countries often comes across such inexplicable anomalies. I admire him now as a writer of libertarian temperament, who made some wrong political choices, but who should be remembered for his heroic courage.

— Richard Kostelanetz

Claude Brown, R.I.P. — When Claude Brown's *Manchild in a Promised Land* (1965) first appeared, I was a Columbia University graduate student, living as a Caucasian in a low-rent public housing project on the edge of Harlem. (My congressman was the legendary Adam Clayton Powell; the folks across the street were represented by William Fitts Ryan, less legendary.)

While *Manchild* was immediately hailed for its purported truthfulness in portraying the awful lives of young men in Harlem, I thought that the book was misleading. It certainly didn't accurately describe most of the African-American teenagers around me, who were struggling to help their families while going to school or working entry-level jobs. Since most African-American males in those years did not get arrested or die young, we can now safely say that as social reportage *Manchild* was generally false, to put it mildly.

What the book did, I came to realize, was portray stereo-

types of degenerate and dangerous African-American life — stereotypes no less popular then than now. What else would prompt Tom Wolfe to proclaim, "Incredible! No Negro writer ever told the whole street thing in Harlem: Claude Brown is first." (The image of Wolfe researching Harlem streets in his trademark white suits was no less ludicrous then than now.) Or Norman Mailer to testify: "The first thing I ever read which gave me an idea of what it would be like day by day if I'd grown up in Harlem." What other than confirmation of stereotype would prompt Irving Howe, always a schlockmeister, to submit this encomium, published at the time and even reprinted in Brown's *New York Times* obituary: "The quivery reality of a boy's life, his struggle, his efforts at understanding. The book contributes to our sense of what America is today." Or Nat Hentoff, who should have known better, having actually set foot in Harlem upon occasion: "As a survivor among the dying and the dead, Brown tells it like it was — and like it still is." So unanimous was this herd of independent Caucasian minds.

The black writers Albert Murray and Ralph Ellison, both of them a generation older than Brown, both lifelong residents of Harlem, were among the first to suggest that *Manchild* was "a social science fiction," whose credibility, especially to whites (such as those quoted above), depended upon its satisfying stereotypes. I learned in the *Times* obituary that Brown was asked to write his initial memoir by Dr. Ernest Papanek, director of Wiltwyck School for disturbed boys, who placed it in Howe's *Dissent*. Its appearance there prompted an editor at Macmillan to give Brown an advance. The truth of this revelation is that a social scientist persuaded a former charge to provide testimony for those influenced by social science to appreciate, completing a circle enclosing more academic myth than social reality.

Actually reading the book to its very end, I questioned the memoir's authenticity when I got to this remarkable exchange: "Dad would say, 'Boy, why don't you stop that lyin'? You know you didn't see all that. You know you didn't see nobody do that.' But I knew I had." Huh? What is this anecdote doing here — at the very end of *Manchild*, not, say, buried in the middle? Why does Brown have his own authority figure question his narrative at the point where the moral of the story customarily belongs? Charitable perhaps, but sensitive to literary strategies, I have always thought this exchange a stroke of ironic intelligence reflecting Brown's acknowledgment of a confection. (For a similarly undercutting irony, check out the concluding lines of Thorstein Veblen's *Theory of the Leisure Class*, which mocks ornate style similar to that evident in his own book.) Though my paperback copy identifies *Manchild* as "Signet Non-Fiction," I've heard the book categorized as "a novel," the shift in genre-naming reflecting a general insecurity about its truthfulness.

Brown wrote only one other book in his remaining 35 years, *The Children of Ham* (1976). It told about Harlem teenagers who escaped the influence of heroin and were thus representative of his own life as not a jailbird but a survivor. So contrary to stereotype, *Children of Ham* didn't do a fraction as well as *Manchild*.

— Richard Kostelanetz



"Okay! We've put in free speech, free press, and free assembly; what's next? . . . I know, I know! Free prescription drugs!"

Liberty vs. PATRIOTism

by Chip Pitts and Jennifer Holmes

Patriotism and unity are important in times of crisis, but they should not be a substitute for the democratic process that produces good policy.

Given the unprecedented sense of national vulnerability in the wake of Sept. 11, we undoubtedly need to correct gaps in our security. In so doing, however, we should not needlessly erode civil liberties. The balance between security and liberty now clearly tilts too much in the direction of government control and away from liberty.

Even before the current crisis, our government had garnered extensive new powers to combat terrorism. These powers themselves go too far. With the carnage of the Twin Towers and the Pentagon attacks, the balance between security and liberty now clearly tilts too much in the direction of government control and away from liberty.

The measures enacted in the wake of Sept. 11 are not our nation's first responses to terrorism. In response to the Oklahoma City bombing, 1995's Omnibus Counterterrorism Act and 1996's Antiterrorism and Effective Death Penalty Act became law. The first law granted government the authority to subject suspected terrorists to greater electronic surveillance, including access to telephone, motel, and travel records; to expedite the deportation of aliens even on secret evidence; and to prohibit members of foreign groups designated as terrorist organizations from raising funds in the United States. The second law allows the United States to prevent presumed terrorists from entering the country and gives the government the power to deport aliens with ties to terrorist groups. People who contribute to or raise funds for suspected terrorist groups can also be prosecuted.

After the attacks of Sept. 11, Congress passed the "USA PATRIOT" Act. The USA PATRIOT Act was rushed through Congress with unseemly haste, and admittedly wasn't read

by most members of Congress. The haste was facilitated by including provisions that had been on law enforcement and intelligence "wish lists" for many years but which had been resisted in the more deliberative pre-Sept. 11 environment. The cute acronym stands for "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism," but it would be more accurate if the "A" stood for "Alarming" rather than "Appropriate."

The law includes some much-needed updates to take into account modern technology (such as resources to enhance shared databases for border enforcement, and providing for a personal wiretap order so that terrorists cannot circumvent the order by using varied or even disposable mobile phones).

But it also includes several provisions that appear to be clearly unconstitutional and a violation of our nation's human rights treaty obligations. Among these are the new requirements that:

- allow government to access personal consumer credit, health, or other data from businesses maintaining such data, and student data from universities (all without proving any crime);
- expand government ability to monitor your email and

Internet habits without your knowledge;

- allow government to search your house or premises without the warrant or probable cause traditionally required by the Fourth Amendment, without even needing to notify you in advance;

- expand government's ability to detain indefinitely and deport aliens by lowering the standard to mere "reason to believe" that the alien has engaged in "any activity that endangers national security";

- explicitly allow indefinite detention or deportation on mere "association" with any organization that ever used weapons (Would the Daughters of the American Revolution qualify? Surely contributions to peaceful branches of the African National Congress, or the political branch of the IRA, would.);

- diminish the key distinction, built up over years, between domestic law enforcement (traditionally subject to a higher standard) and foreign intelligence gathering (tradi-

The anti-terrorist laws invert the presumption of innocence that is at the heart of our criminal justice system.

tionally a lower standard), effectively putting the CIA back in the domestic surveillance business;

- in general, increase government discretion to act without the "individualized suspicion" usually required as a constitutional minimum.

Why should law-abiding citizens fear these laws? Recent history demonstrates the danger in expanding the FBI's power without proper oversight. Beginning in the 1950s, the FBI counterintelligence group, Cointelpro, actively investigated and infiltrated "seditious" groups. The vast intelligence operation was generally aimed at the left, targeting the Socialist Workers Party, the Black Panthers, anti-war activists, civil rights groups, and women's liberation groups in the 1960s. In addition, the FBI admitted that in the 1970s it wiretapped federal offices, members of Congress, their aides, and journalists. The agency used unapproved wiretaps, made illegal break-ins, and infiltrated suspected groups. In the 1980s, the FBI actively investigated the Committee in Solidarity with the People of El Salvador (CISPES), which opposed U.S. military aid to El Salvador. The group did not fund leftist guerrillas in El Salvador and was not active in terrorist activities in the United States. Its only "crime" was to oppose U.S. policy. The FBI used surveillance, informants, undercover operatives, and extensive gathering of bank records, trash, telephone records, and more, creating files on almost 2,400 citizens. More groups that support unpopular policies are likely to be targeted.

Unfortunately, suspected groups are not merely scrutinized. The government attacked the Black Panthers and the Symbionese Liberation Army. At the infamous Ruby Ridge siege, the FBI approved rules of engagement allowing the use of lethal force, without warning, against any armed individual. Normally, there must be imminent mortal danger before deadly force can be used. These are examples of an overzealous agency, or, at least, overzealous agents within

the agency without sufficient oversight.

What about non-citizens? The president's executive order of Nov. 13 regarding military tribunals and detention is very broad and vague, applying to *any* non-U.S. citizen — not even limiting it to those fighting against us. Under this executive order, non-citizens would not be treated with the same rights and liberties as citizens. Yet according to long-standing constitutional law precedent, alienage is a "suspect class" justifying enhanced ("strict") scrutiny of discriminatory laws affecting this vulnerable group. In the words of U.S. Supreme Court Justice Hugo Black, "classifications based on alienage, like those of race or ethnicity, are inherently suspect." Moreover, the definition of terrorism leaves to presidential discretion who is subject to this executive order. The net is cast wide: Non-citizens whom the president has "reason to believe" are members of al Qaeda, or engage in, conspire for, or prepare for "acts of international terrorism" are subject to detention and military trial. This broad definition can be stretched to include resident aliens who exercise political speech in a purely peaceful, humanitarian way. For example, an Irish-American permanent resident who contributes to a fund for the widows and orphans of those killed in Belfast, or a Muslim permanent resident who contributes to a Palestinian relief fund, could be covered by the order.

The executive order exemplifies the problem that "terrorism" is a nebulous term that can be easily abused. Different agencies of the United States government can't even agree on a definition. Terrorism is an inherently political term, because it can be subjectively interpreted by those in power to support their own purposes. It is often difficult to distinguish between a terrorist group and a legitimate national liberation movement, especially among those in the

The dismal reality is that none of these new measures would have prevented the attacks on Sept. 11.

establishment. Governing elites have easy resort to the terrorist label to justify the status quo. This definitional ambiguity poses a particular problem in that the 1996 Antiterrorism and Effective Death Penalty Act allows the secretary of state and attorney general to designate which groups are terrorist and to restrict their fundraising and other activities. The word "terrorism" in other words, can clearly be politically manipulated.

The problem is that, in moving toward a national security state, we're moving toward a Kafkaesque universe in which the mere suspicion that someone may be a terrorist means that he is then presumed to be one and is treated like one. This inverts the presumption of innocence that is at the heart of our criminal justice system. Though most of us are unlikely to be subject to this prejudicial treatment, many — or any — of us could be. Even in peaceful times, the definition of terrorism is political, problematic, and open to abuse. In times of national crisis, this definitional problem com-

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The Trouble with Darwin

by Gordon Tullock

The most remarkable characteristic of Charles Darwin's theory of evolution is how poorly it fits the data. Yet it is accepted as scientific fact.

At the age of twelve I became an atheist and have remained so ever since. I say this in order to make it clear I'm not a creationist. Indeed, if I were looking for a religious account of the origin of the world I think I would turn to the earliest such accounts in Mesopotamia and Egypt on the grounds that they are closer to the origins and hence more likely to be accurate.

Genesis, although accepted by the Jews, the Christians, Islam, and the Mormons, is at least 1,000 years younger than the Mesopotamian and Egyptian tales. Indeed, part of the book of Genesis is lifted from Mesopotamian legends.*

This paper is an attack on the work of Darwin and the synthesis of the 1930s but it does not provide a replacement. Obviously, I think a replacement is highly desirable, but I have only wild speculations. One purpose of the paper is to stimulate thought in hopes that a new and better theory will be designed. I should say, however, I'm not alone in my discontent. A Nobel Prize recipient in the appropriate sciences, (Crick)** and a man knighted for scientific achievements, (Hoyle)‡ albeit in astronomy, not biology, have written strong attacks on the current theory.

I will turn to them in due course, but first let me explain the problem which makes me and them dislike the current theoretical position. The problem is that instead of a steady change with species being gradually replaced there are severe gaps in the fossil record; indeed, there are only gaps. Darwin

was fully aware of this and he said that the fossil record was incomplete, which it was, and that there would be much more digging, which there was, and this would change the picture to one of continuous evolution. Unfortunately, this last has not happened. If anything the process has been in reverse.

Lee Berger, a man who has devoted his life to straightening out the history of the human species, says, "In fact the more fossils come to light, the less our family tree appears as a magnificently tall Redwood with well-defined branches thrusting toward the pinnacle of human achievement. Rather it resembles a scraggly thorn bush whose spiked and twisted interwoven limbs would be hazardous to unravel." ‡‡

The same thing has happened with other animal groups. When I studied biology in high school long ago, the textbook had a diagram showing the development of the modern horse. In essence it showed the main trunk of a tree with various species from eohippus to the modern horse arranged more or less vertically. Today, textbooks show either a bush or tree with many branches and the various species on the ends of these branches. The direct ancestors of the horse or the previous species are not shown because modern biologists have improved their knowledge of the various species. Far more fossils are now available, and paleontologists now realize that

*See *The Archives of Ebla*, by Giovanni Pettinato with an afterword by Mitchell Dahood, S.J., Doubleday, 1981. The afterword is a careful survey of similarities between the Old Testament and earlier Middle Eastern writings.

***The Astonishing Hypothesis*, by Francis Crick, Simon & Schuster, 1995.

‡*Evolution From Space: A Theory of Cosmic Creationism*, by Sir Fred Hoyle and N.C. Wickramasinghe, Simon & Schuster, 1981.

‡‡*In the Footsteps of Eve*, by Lee R. Berger with Brett Hilton-Barber, Adventure Press, 2000, p. 18. See also p. 67.

the earlier ones are not direct ancestors of the more recent ones. They are cousins rather than grandparents. Evolution may have been continuous with many intermediate types simply not having been preserved, but to believe this is a matter of faith, not science.

To return again to my far distant education, mutations and their effect on evolution were discussed in essentially a gradual, continuous model. Some individual member of a species would have a mutation. As was pointed out, the overwhelming majority of such significant mutations were not improvements. Occasionally however an advantageous mutation would occur and the individual would pass it on to its descendants. In addition, not all members of a species have exactly the same genes. The vast number of radically different dogs, which has been produced by selective breeding, illustrates that. Still, the range of variation that can be obtained without

Darwin said that the fossil record was incomplete and that there would be much more digging and this would change the picture to one of continuous evolution. If anything, the process has been in reverse.

mutation is limited. No breeder has produced a cat out of canine parents.*

To further simplify the simple Darwinian-Mendelian model, after a mutation, the product, if viable, would not only preserve that mutation but also occasionally have other mutations. Further, that particular mutation might match well with variants already in the gene pool. These descendants in turn would have mutations, most of which would be disadvantageous, but some of which would be advantageous and lead to further changes. In time the original species would be replaced by an improved variant, which, since it was improved, could either out-compete the original model or occupy a special niche alongside the original species. The change, however, would have been a gradual consequence of many small changes, which ended up as a large total change.

Although Darwin did not know about mutations or Mendel's work, the synthesis of the 1930s created an apparently rigorous model, which had the same result. It also called for gradual change through the accumulation of small changes. Unfortunately, this also fails to account for the extreme dominance of gaps in the fossil record. Punctuated equilibrium, which I will discuss shortly, is an attempt to do that. It is, of course, possible that the gaps will eventually be filled by more digging. Certainly the number of fossils which have been dug up is but a small fraction of the total number existing in various parts of the earth. Still, it seems unlikely that we would not have many cases of gradual development in various species from the fossils we have now if the gradual change model fit reality.

Darwin pointed out the immense changes that selective

*I will here and later in the paper ignore the complications involved in sexual transmission. This is not because I believe they are unimportant, but because discussing them would not fundamentally change the reasoning and would involve a good deal of extra verbiage.

breeding has made in domesticated species. But these changes have not originated a new species. In my college biology class it was pointed out that a Great Dane could not mate with a Chihuahua. Nevertheless we do not consider them separate species. Perhaps some of the modern engineered strains have changed enough so that we would consider them separate species from their ancestors. Perhaps, but I doubt it.

Now, of course, we can make genuine changes by adjusting the DNA. It doesn't seem likely that we could, even in the future, produce a new species by changing one or even a few genes. The change would have to be more radical. Altogether, the gradual change model in its conventional form doesn't seem adequate, and we need something new. Perhaps one of my readers will provide it.

For now, however: consider the cats. To a layman they seem to differ mainly in size. The lion looks very much like a large cat. Specialists recognize many more subtle differences both in structure and behavior. But the similarities are astonishingly great, and cats are all believed to be closely related and descended from some ancient common ancestor.

Nevertheless, they are separate species and there are no gradual transitions from one to another. A lion and a leopard are both carnivores although their behavior patterns are quite different. Most biologists do not ask why we do not find intermediate individuals. This does not represent a lack of curiosity, but knowledge of the reason why there are none. Each member of the cat family occupies a separate niche, and apparently there are no niches intermediate between the one occupied by the lion and the one occupied by the leopard.

But this raises the basic question about evolution. If a leopard

The account in Genesis is easy to poke fun at, but the account of modern biology depends to a considerable extent on faith also.

had a mutation which changed one of its genes to the corresponding gene of a lion, this would move it out of its niche and make it less fit to survive. We do not know how many genes differ between the leopard and a lion. Until this point has been straightened out I will assume that there are 20. I do not have any idea whether this is even approximately correct, but some number is necessary for the next few paragraphs.

Once the first mutation had occurred there could be more mutations, but there's no reason to believe that mutations of this sort would be commoner than in any other leopard. Further, there is no reason to believe that these further mutations would be in the direction of making a lion. The process of mutation is generally thought to be random, with the selection among mutations being imposed by the environment. Since we observe no gaps between the lion and the leopard, it seems likely that there is no available niche between the ones occupied by the existing species. Any mutation that worked to change the lion-leopard situation would be anti-evolutionary and would probably be selected out.

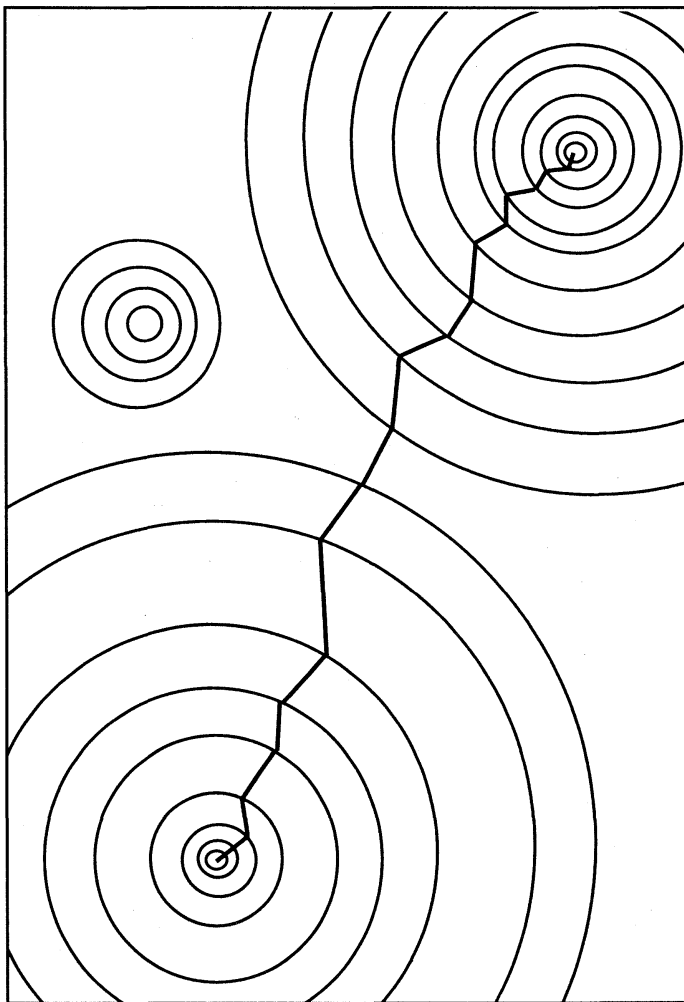
The illustration on this page is an attempt to show these niches graphically. Each peak is a particular niche and the lines surrounding it are intended to be about one mutation

apart, with the fitness of the niche declining as you move away from the peak. The line connecting the two peaks is intended to show how difficult it would be for a series of mutations to change one species into another. This particular line is a simplification of what we might find if a super-skilled human breeder were making a deliberate effort to get from one species to another, say, a lion to a leopard. Natural transmission would not involve such a steadily directed chain of mutations. Nor could it aid getting through the valley between the two peaks.

Note also that there is another peak in the figure, which is another niche. This niche is unoccupied. We know that there are such unoccupied favorable niches because from time to time a species is brought in from some distant place and flourishes. If a particular individual gene were able to persist even though it offered nothing in the way of improved survival, the individuals who had it would be subject to further mutation. These mutations would essentially be random, but occasionally one would lead further toward another peak. This moves its possessor even further down the mountain from its original peak. It should therefore lead to even lower fitness. Only after perhaps ten mutations in that direction would further mutations, if they were lucky, lead to the second peak. Granted the fact that all mutations are essentially random, such transition seems impossible and, of course, we do not see it.*

This is a problem that Darwin thought would be solved by further digging. It hasn't been solved. Among the general relatives of your pet cat there is the sabertooth tiger. Except for its very large canine teeth, to the layman it appears very much like a modern tiger. Since paleontologists frequently explain its extinction on the grounds that it was stupid, I presume that its brain case was relatively small. Interestingly, it lasted on the American continents much longer than on the Eurasian landmass. Presumably the competition was less severe in America. Anyway, it overlapped humans on our continent and lived long enough to be trapped in the tar pits of La Brea.

But to repeat Darwin's question, Why do we not have a continuing series of skulls with gradually shortening canines? The fossils simply move from the sabertooth tiger to the more modern tiger in one step. This raises Darwin's question in a particularly vigorous way. I should say that it is as hard to answer that question by using the intelligent designer theory associated with William Paley and some moderns as by using Darwin's theory. If there were an intelligent designer, why would he produce the sabertooth at all? Why not go directly to the modern tiger?



The orthodox answer to this problem is that creation did move gradually, but the intermediate species have not yet been dug up. This rather fits my figure, since species in the valley between the two peaks would have low survival ability; hence not many would be in existence at any time; hence few skeletons would be available. This assumes that the valley is the right depth to make survival difficult but not impossible. Since we have no measurements or even any way of making measurements I cannot say this is impossible, but it certainly seems unlikely.

I should, perhaps, pause here and turn to the public debate on the subject. The professional biologists normally desire that people on the other side, mainly but not entirely believers in the book of Genesis, be prevented from teaching their doctrine even in the form of a debate. I think this is motivated by the type of questions raised above. The account in Genesis is easy to poke fun

at, but the account of modern biology depends to a considerable extent on faith also. The gaps in the evolutionary record are real and sizable. To feel that they will eventually be solved, as I do, is a matter of faith, not science. I think this particular belief comes closer to science than the book of Genesis, but nevertheless my belief is not science.

Paley, an 18th-century doctor of divinity, used a rather similar argument to imply the existence of an intelligent designer. He, being a minister, had no doubt about who that intelligent designer was. Belief in an intelligent designer does not entail belief in the literal details of the creation account in Genesis. St. Augustine said that the simple people of those times could follow them and the more sophisticated people of the fifth century A.D. could put more sophisticated interpretations on

*Dawkins in *River Out of Eden* says, "Unlike human designers, natural selection can't go downhill — not even if there is a tempting higher hill on the other side of the valley." Basic Books, 1995, p. 79.

the language.* Presumably, we are even more sophisticated and hence can deviate even further from the literal words of the Bible while still remaining Christians, Jews, Muslims, or Mormons.

Unfortunately, I do not believe in the intelligent designer, certainly not the God who purportedly wrote the Bible. Thus I am more or less barred from Paley's answer. As we will see below there are other people with excellent scientific credentials who are not believing Christians but who nevertheless believe in an intelligent designer. In all the cases I know of, and that is few, this intelligent designer is a civilization on some planet circling a far distant star.**

But let us look at Paley's argument which is simple and convincing. He points out that if you stumbled on a watch while walking through a field, you would not feel that it was an accidental, and more complicated than the usual rock. You

Step-by-step, mutation-by-mutation change would at first disadvantage the entity, and this would be so even if a long chain of such mutations were likely to benefit it.

would see in it obvious evidence of design. This is, of course, true. He then goes on to say that because the human eye shows exactly the same evidence of intelligent design, it could not have originated by chance.

Dawkins took up the challenge and in *Climbing Mount Improbable*† explained how a very large number of very small steps could move toward the human eye. Further, he argued that each of the steps would have evolutionary value. In other words, in our figure we started in the valley and went up.

But even in respect to his simplified model, it's not obvious that Dawkins is right. If there were one light-sensitive cell on the outside of some animal, it is not at all obvious that having two would be much advantage. Dawkins jumps from one cell to a discussion of how a small colony of such cells might form a pocket and hence be on the first step toward an eye. Since the purpose is to get some idea of the direction of a light source, a bulge would seem to be equally likely. But the movement from one light cell to a cluster is more difficult evolutionarily than having a cluster form a pocket or bulge.

There is, however, a more serious problem. A cluster of light-sensitive cells on the outside of some animal would simply be a handicap unless it were connected to other parts of the animal in such a way that the animal responded to light sources in an evolutionarily desirable way. If we just had a number of light cells, they would necessarily reduce the fitness of the animal unless further changes to collect the information, process it, and take action were made. In other words, the development of a number of light-sensitive cells, or for

that matter one cell, would actually be moving its bearer down into the valley of our diagram until the development of further apparatus would move it up toward another peak.

A step-by-step, mutation-by-mutation change would at first disadvantage the entity, and this would be so even if a long chain of such mutations were likely to benefit it. Although most biologists don't talk about this matter, it has worried a number of leading scientists. In 1954, Ernst Mayr "proposed that a peripherally isolated founder population could undertake a considerable ecological shift and genetic restructuring and become the ideal starting point for a new lineage."‡‡ Originally this was referred to as the "hopeful monster," but that terminology is now passé.

Normally today it is called "punctuated equilibrium" and credit for developing Mayr's idea goes to Niles Eldridge and Steven Jay Gould. We may, however, just as well start with the hopeful monster and then take up punctuated equilibrium later. Both of these ideas are occasionally mentioned in the biological literature but in a rather sketchy fashion. Since I am not a professional biologist I may have missed a more elaborate account, but the reader will, I hope, excuse me if I proceed with my best understanding of the matter.

Any niche may have in its outskirts small areas, which are partially cut off from the main niche. Strictly speaking the small areas should be thought of as pockets in the multidimensional niche space, but it's easier to think of this matter if we confine it to a real, but simplified model, the Galapagos Island archipelago. Consider the finches that Darwin found

Ptolemy worked out a theory of the solar system that was in complete accord with the facts as then known, and remained in accord with the facts discovered in the next 1,200 years. Today we look back at his work as intellectually a great achievement but also as wrong.

there and collected. Clearly the finch on the South American continent was the origin of these other tiny species found only on different islands. What had happened is fairly obvious. The islands are far off the mainland and finches normally do not spend much time over the open sea. Some of them, however, by accident reached the Galapagos and settled down.

In each case the particular finches that arrived would be a small sample of the mainland finches and hence would not bring with them all the varying genes found in the whole species. Each one was an accidental example of selective breeding. Further, the environment of each island was different from the others and quite radically different from the mainland. Under the circumstances, mutations that would not be viable on the mainland might be preserved on an individual island. Further mutations could then take place, and eventually a separate species viable on that island, with its reduced competitive pressure and different environment, might

‡‡"Change of Genetic Environment and Evolution" in J. Huxley, Hardy, and Ford, eds. *Evolution as a Process*, Allen and Unwin, 1954, pp. 157-180.

*Galileo quoted St. Augustine before the Inquisition, but the Inquisitors did not accept this defense.

**The most intriguing example of this intelligent designer I read about long ago in a science fiction short story titled "The Hobbyist." My research assistant has not been able to track this down, so I cannot give the citation.

†Norton, New York, 1996.

develop.

Eventually a breeding pair of such a species might return to the mainland. Probably they would not be able to compete and would be eliminated. One can readily imagine that at least occasionally one of these small, semi-detached environments might produce not only different but also improved species, which could then successfully invade the mainland. These true breeding strains would be the hopeful monsters. When they first began to mutate they became less fit and hence were the monsters, but with further mutations some might become a new and successful species. Using our diagram — in their isolated island they got through a series of mutations, which would have been deep in the valley. If they were still on the mainland they would have been eliminated in the valley stage.

Clearly this could happen, but note its high improbability. Only if there were very many of these small pockets semi-

Why do we not have a continuing series of skulls with gradually shortening canines? The fossils simply move from the sabertooth tiger to the more modern tiger in one step.

detached from the main environment and in at least one of them the right set of mutations occurred in the right order and then the semi-detachment dissolved, can the theory explain evolutionary progress. Further, the new creatures would have to be at least viable, if not optimal, on the island and markedly better than the native stock on the mainland. The theory, if true, provides an explanation of why there are few intermediate fossils, but it does not explain why there are none. Assume that the deviant species were only one percent or even one-tenth of one percent as common as the main species. We would find relatively few fossils but, given the total number of fossils we have, we should have at least some of these.

The other problem is the probability or improbability of the process. To make it work, one would need tens of thousands of small environments at least one of which had the fortunate chain of mutations. Calculating the probabilities puts you up in more or less astronomical numbers; hence if we thought of this as occurring at a particular time, we would regard it as functionally impossible. On the other hand, if we consider the fact that many of the finch species on the mainland have existed for millions of years and the hopeful monster could have developed at any time, the improbability becomes less. It might be a very small chance during any one century, but we have many centuries and that might, emphasize might, make up for the otherwise very low estimate about the likelihood of this happening.

Let us go to punctuated equilibrium, which in a way is merely a generalization of the original idea by Mayr and has received more publicity than the hopeful monsters. It apparently is disbelieved by most biologists, but ideas normally start with minorities, and this theory may be correct. I don't think it is, but it is at least possible.

The existence of species unchanged for very long periods of time is the equilibrium of the Eldridge-Gould theory. The punctuation is the sudden radical change. What brings on this

sudden radical change is not very clear. It might be a radical change such as the earth being hit by a comet. Many biologists think that such a change did occur at least once, and got rid of the dinosaurs. There is also speculation about other mass impacts at various times. Normally, however, changes in one particular species are not highly correlated in time with those in many other species, which would rule this particular mechanism out as an agency of evolution.

Suppose then that one particular finch which developed on Darwin's islands returned to the mainland and replaced the original finch species. The replacement might take a rather short period of time, geologically speaking. Thus if this sequence of events occurred, we would have an example of punctuated equilibrium. In collecting fossils we might or might not find an example of the intermediate stage. If the replacement was fast, and it might be, intermediate stage fossils would be rare. But note that to say they would be rare does not mean they would be totally nonexistent, which is the present situation.

The theory does, however, explain the almost complete absence of any fossils from the intermediate zone between long periods in which there is little change. Gould is an expert on snails and has found areas where tens of thousands of years of sediment have accumulated with exactly the same snails in each level. He has not found a lot of clear-cut cases in which a fairly radical change occurs in the same part of the deposit as the long period of stability.

Obviously this sort of thing could happen. But to put the main emphasis in evolution on obviously rare and very special phenomena seems unwise. Consider the necessary conditions: small special environments for which access from the main environment is possible but restricted, coupled with the special environments different enough to exert evolutionary pressure but not different enough to make the product nonviable in the main environment. To repeat: This is obviously possible but doesn't seem likely as a mass phenomenon. I think the reason that the hypothesis has been accepted by biologists is that they simply have no other explanation. It's not a good explanation, but it is possible to believe and a poor explanation is better than none. Still, if the only explanation that has been invented is poor, this is an argument for searching for another explanation.

Medicine is part of biology and there are two famous examples of the acceptance of unlikely theories in medicine simply because doctors couldn't think of another. The first of these is the general theory of "humors" which dominated Western medicine for almost 2,000 years. If you had criticized this theory to a 16th century doctor, he would've asked you for another theory and in the 16th-century you could not have answered. Fortunately, not everyone was satisfied and eventually the search led to a solution. Most of us would not be alive today if the new theory had not been developed.

The second false theory is Freudianism. For a considerable period of time this was the only theory of mental disease. Interestingly, although it is no longer much believed, it has not been replaced as a theory. We have discovered a number of drugs which suppress symptoms of mental disease although we don't really know why. Still, it is better to be without a theory than to believe firmly in the false theory.

I am, in essence, saying that we should be looking for a

new theory of evolution. I believe that the only reason for the present acceptance of punctuated equilibrium, in so far as it is accepted, is simply the absence of a better theory. I suggest that in this case a search is desirable and that the existence of a false theory, together with widespread acceptance of it, makes such searches feeble and unlikely to reach a conclusion.

Let us now go to the intelligent-designer theorists. A popular representative of them is Michael Behe* who is rather conventional in that he believes that the intelligent designer was God. I should immediately explain that he does not believe the book of Genesis is literally correct in all its details. He doesn't mention St. Augustine and his view that the early

The only reason for the present acceptance of punctuated equilibrium, in so far as it is accepted, is simply the absence of a better theory.

parts of the Bible were not literally true. He may in fact never have heard of him. He does, however, believe that the fundamental design of cells and single-cell animals cannot be explained by evolution. He is apparently willing to accept that evolution works at least sometimes at higher levels.

To interject a bit of my personal history, when I was studying law at the University of Chicago, all students of the law school were required to take a famous course taught by the president of the university, Robert Hutchins, and his intellectual sidekick Mortimer Adler. This was mainly a course in philosophy of species, a subject on which both of them were experts, but it also dealt with evolution. They argued that while Darwin could explain most species changes, there were certain radical changes, one of which was the origin of humans, which required divine intervention. I was not converted and fortunately the final exam did not contain a question on this particular part of the course. I believe however that this view was quite widely held among philosophers of a religious inclination. Thus Behe is in good intellectual company in believing in evolution in some cases and not others.

His argument however is rather above my head. He deals with the internal functioning of single cells, a subject on which he, a distinguished expert on single-cell animals, can easily lose non-experts. His argument deals with the internal functioning of these tiny organisms and I found it convincing, but I doubt my judgment in this field. One point he made, however, I thought was very strong. He said there was no evolutionary explanation of the development of these single-cell animals. Indeed, he devotes considerable space to discussing places where such explanation would be expected and pointing out its absence. For example the *Journal of Molecular Evolution*** doesn't really offer any explanation although there are many articles whose titles rather suggest such an explanation. Mayr himself says that cellular biology is almost entirely descriptive. But the reader must go to Behe for a complete discussion. I have already admitted that he is rather above my head.

**Darwin's Black Box: The Biochemical Challenge to Evolution*, by Michael J. Behe, Touchstone, 1998.

**Behe, pp. 173–179.

Behe's exploration of life on the micro level has at least the function of reminding us of a subject generally neglected by the evolutionary literature. I should like here to point out another defect in the evolutionary literature. Surely the single-cell living entities must have developed from yet simpler organisms. This would turn us to viruses. I've never seen an evolutionary account of the development of the cell from these simpler organisms. Indeed almost all of them, which we know about, are parasites on larger species. They make use of the cell machinery of larger animals to produce their descendants. So far as we know there are no totally free-living examples. A distinguished biologist in a letter to me said: "The history of what happened before the bacterial celled stage is a mystery that would be solved if earlier branches of the tree were known." That is, of course, true. All mysteries would be solved if the answers were known.

That absence of free-living examples loses importance when we realize that almost all of them were discovered because they cause diseases in larger organisms. Thus the evolutionary history of life begins with the single-cell entities. We can feel confident that if evolution is correct, small or less elaborate entities preceded the cells. But this is a gap, a blank space, in our knowledge of life. It is sometimes argued that at this level the things which we can see with an electron microscope are not really life. Still, they must have preceded the liv-

The theory of distant origin does not solve the basic problem of the origin of life itself. It would presumably be as hard for life to start on another planet as on earth.

ing cells. Perhaps, although those that now exist are parasites, the free-living ones, which preceded the cells, were destroyed by the cells or abandoned free life and became parasites.

It is however a logical necessity that things simpler than the cell gave birth to the cell — if we believe in evolution. For a good discussion of the possible origin of subcellular life, see *The Problems of Biology*, by John Maynard Smith, Chapter 10.‡ To be honest, I don't find it very convincing and I suspect that neither does Maynard Smith. It is a difficult problem and the initial start on it is, not surprisingly, less than fully convincing. With time we may have a better solution.

There are, however, other possibilities of non-supernatural development. Hoyle and Wickramasinghe§§ and Crick§ seriously consider the prospect of extra-solar influence from some higher civilization elsewhere in the universe. Unfortunately both of these two sources handicap themselves by assuming that certain scientific verities of today are certain to be still believed in the far distant future.

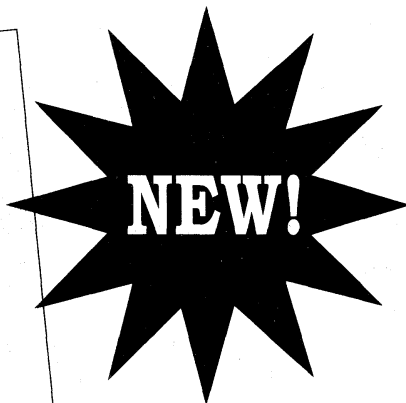
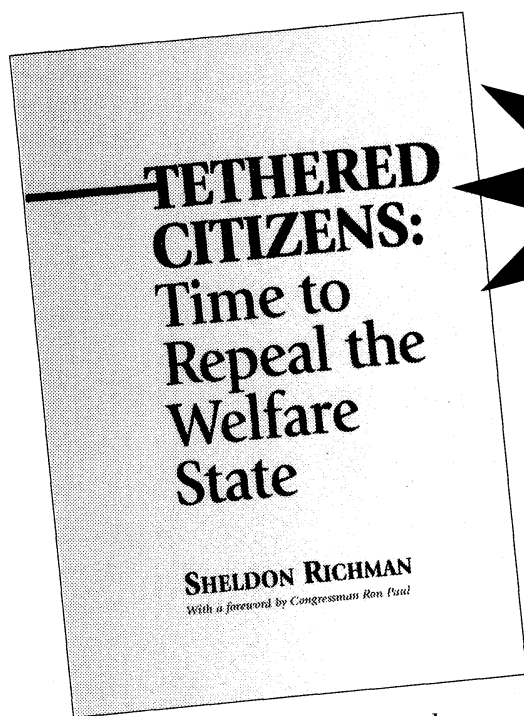
In Alexandria a brilliant scientist named Ptolemy worked out a complete theory of the solar system and indeed of the universe. This theory was in complete accord with the facts as

‡Oxford University Press, 1986.

§§*Lifeccloud*, 1978, J.M. Dent. See also *The Intelligent Universe*, by Fred Hoyle, Michael Joseph, 1983.

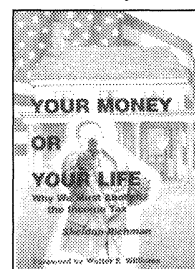
§*The Astonishing Hypothesis*, Simon & Schuster, 1995.

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then known, and remained in accord with the facts discovered in the next 1,200 years. Today we look back at his work as intellectually a great achievement, but also as wrong.

Today we have another theory developed by an equally intelligent scientist, Einstein, which tells us that it is impossible to have anything move at a speed higher than that of light. Believers that this theory is permanently true have to believe that any interstellar communication would take remarkably long periods of time. That some other civilization could exceed the speed of light would appear as impossible to most scientists as a proposal to transmit messages faster than the Imperial Persian post would have seemed to Ptolemy.

Somewhat amusingly, the July, 2000 issue of *Scientific American* devotes three articles, with illustrations, to the possibility of interstellar communication, with the implicit assumption that other civilizations would use radio. They have a table showing in which parts of universe the SETI investigation tried but failed to detect radio signals. Other civilizations more than 100 years younger than ours or perhaps 2,000 years older could exist and would not have been detected.

When this article was nearing completion, however, I saw on the front page of the *Washington Post** an article reporting that scientists had made light go much faster than the speed of light. This in a way was a grammatical error, but the meaning was clear. Einstein's maximum speed, which was light in vacuum, had been greatly exceeded by light passing through a carefully doctored vapor. The particular method has no significant application to long-distance communication, but give the scientists time and the interstellar spaceships of science fiction may well be with us in the future.

The cases of interstellar guidance of evolution suggested by Hitch, Hoyle, and Wickramasinghe depend on an implicit theory that other civilizations in the universe are not much ahead of us. This may be true, but it may also be false. The elaborate SETI project for detecting other civilizations depends on the assumption that they are not very much behind or very much ahead of our civilization. This is rarely made explicit. Our scientists seem as convinced of the permanent truth of Einstein's work as Ptolemy was of his.

It may not be entirely impossible, however, that somewhere in the universe there is another civilization which is engaging in transmitting very simple life, perhaps cells or even something simpler. It has been demonstrated that some cells are capable of surviving in the high-radiation environment of nuclear reactors and hence radiation would not necessarily kill cells in empty space. Cells apparently can remain viable even when frozen in Antarctic ice sheets. Cells might be able to drift through space and eventually reach earth.

Life on our planet might be either an accidental byproduct of life somewhere else, or the result of a deliberate seeding of the universe. Some meteorites contain simple organic chemicals. To say they are organic does not imply that they come from life, but only that chemists would classify them as organic. Still this does show some feeble evidence that space transmission would be possible.

But why would some civilization do this? If the cells are simply drifting in space they must have started long, long ago. Thus the civilization that sent them must be millions of years older than ours. It should then be much more advanced than

we or have finally exceeded the life span of civilizations, if such a thing exists. In any event, it's hard to think of a motive for this activity. The radically different civilization might have radically different thought patterns than we do and hence we cannot expect to understand it.

The theory of distant origin does not, however, solve the basic problem of the origin of life itself. It would presumably be as hard for life to start on another planet as on earth. Of course, even if the origin of life is very, very, very improbable, there might still be enough planets to allow it to take place on one or a few, supposing that there are, in fact, many, many planets close enough to earth. Since we have no real theory, only speculations as to the origin of life, this explanation cannot be ruled out. Indeed, Hitch's speculation of tiny containers, in essence small spaceships, being deliberately sent out with a suitable set of organisms to start life cannot be ruled impossible, but I doubt that many of my readers will regard it as even remotely probable.

If there is continuous intervention, however, then one of the traditional questions about extra-earth civilizations is par-

Interestingly, although Freudianism is no longer much believed, it has not been replaced as a theory. Still, it is better to be without a theory than to believe firmly in the false theory.

ticularly relevant. "If an advanced civilization with space travel exists, why isn't it here?" Of course, we cannot say for certain that some advanced civilization has not been visiting us from time to time. Almost all religions report supernatural phenomenon which might simply be the view taken by primitive people of the behavior of scientifically more advanced people. Primitive people, when brought into contact with modern civilization, frequently are convinced that they are seeing miracles. Perhaps the innumerable religious accounts of miracles in the past reflect the same phenomenon. Perhaps, but I doubt it.

This whole article deals with a problem which we have not solved, and it seems to me we should try to solve. The solutions I've listed above seem to me unlikely. If they seem unlikely to the reader, I suggest he try his own. □



"The snake told me about them — they're called 'jammies.'"

*July 20, 2000.

Libertarians, Conservatives, and the Religious Right

by Joseph Bast

Evangelicals and libertarians are natural, if unlikely, allies.

Conservatives, libertarians, and the religious right don't like to work together. The three groups often pull in different directions, driven by disagreements that run deep in philosophy and history. The doctrinal disputes get little attention in the press, and very few people can tell a conservative from a libertarian or a member of the religious right, much less grasp the finer distinctions that set apart Objectivists, paleoconservatives, and neoconservatives.

Not all libertarians eschew working with the right toward shared goals. I have been involved for several years with a group called the Chicago Conservative Coalition, an activist group that involves both libertarians and conservatives. We've tried to make this involvement less stressful by spelling out common ground and posting warning signs around areas of irreparable disagreement. The principal lesson we've learned is that understanding how libertarians disagree with "other conservatives" is the key to avoiding the falling out that left-liberal critics of conservatism and libertarianism hope for and often predict.

Why Should We Play With Them?

Some libertarians oppose working closely with conservatives, who (they say) enter politics with no principles and with the baggage of anti-liberal views on social issues. "Conservative" heroes such as Bill Bennett and Newt Gingrich are unreconstructed drug warriors: How can libertarians count them as allies? Conservatives (they say) have no more respect for individual freedom and limited government than do liberals.

Some conservatives return the favor by trying to kick libertarians out of the conservative "big tent." Libertarians (they say) are mouthpieces for a corporate capitalism that

has almost destroyed traditional communities, small businesses, and the traditional family. Libertarians can be counted on to defend the "right" to smoke pot and make an easy buck, but (they say) have no more respect for the traditions and values required for the survival of a free society than do liberals.

The religious right's critique of drug-using, abortion-tolerant libertarians is, well, even more harsh.

And yet . . . by working together, conservatives, libertarians, and the religious right brought about the election of Ronald Reagan, the collapse of the Soviet Union, the fall of the Berlin Wall, the end of "the era of big government," repeal of the federal welfare entitlement, the global spread of capitalism, the defeat of Al Gore, and the increasing isolation of socialist tyranny in a dwindling number of countries.

This coalition was responsible for government spending, as a percent of national income, falling from 41% in 1992 to under 35% in 2001, back to about the same level it was in 1970. (Prior to the "War on Terrorism," government spending was projected to fall further to 32% by 2006.*

By working together, the three groups that make up the "conservative movement" changed the world. Keeping the

*These estimates are from Peter Brimelow's Nov. 12, 2001, *Forbes* article titled "Grab Redux?"

coalition together, though, requires that we know a little more about our allies, and think carefully about how we explain ourselves and our objectives to them.

What's a Conservative?

Friedrich Hayek ended his 1970 classic *The Constitution of Liberty* with a postscript titled "Why I Am Not a Conservative." In it, he observed that those who cherish freedom "find themselves much of the time on the same side as those who habitually resist change. In matters of current policies today they generally have little choice but to support the conservative parties."

Conservatives seek to prevent or at least slow down the pace of social and economic change, in order to preserve some of the beneficial aspects of the past. They share with socialists (alas!) an attraction toward collectivism; that is, they tend to identify groups rather than individuals as the

Libertarians owe conservatives a debt for their insights into the role of private property in preserving freedom, the weaknesses of democracy, and the value of intermediate social institutions such as families, churches, clubs, and charities.

basic unit of society to which rights and obligations can be attributed. Also like a socialist, a conservative (to quote Hayek again) "does not object to coercion or arbitrary power so long as it is used for what he regards as the right purposes."

Nevertheless, conservatives have made major contributions to our theoretical understanding of political freedom. Libertarians owe conservatives an intellectual debt for their insights into the role of private property in preserving civil and political freedom, the weaknesses of democracy, and the value of intermediate social institutions such as families, churches, clubs, and charities. Conservative opposition to communism during the second half of the 20th century saved billions of people from despotic oppression. Conservatives, more often than libertarians, have been on the front lines opposing popular calls for more government-bestowed rights and privileges. Many paid a heavy price for swimming against the current.

Libertarians ought to sympathize with the need for compromise and pragmatism in politics; those are the rules of that game, however odious we think the game may be. Conservatives are elected to govern, not to preach the virtues of the Great Society. They often are able to get elected to office and to operate in this arena precisely because they are not bound to an explicitly anti-statist set of principles.

We can love 'em or hate 'em, but conservatives are casting votes on legislation and libertarians are not. When they come asking us for advice, we can either hector them for their past transgressions or teach them the principles they need to vote right the next time. It seems to be an easy choice.

What's a Libertarian?

Libertarians place the restoration of individual liberty

above the restoration of the past. They observe the grotesquely enlarged government presence in the U.S. today and see little that should be preserved. When state policies restrict or distort voluntary action, they seek rapid and radical change. They cringe when conservatives advocate the use of government force in the name of "strengthening democratic values," providing "a sense of community rootedness," preserving "the goals, values, habits, and institutions of a good society," and so on.

If libertarians believe conservatives are prone to err on the side of too much government meddling, conservatives believe libertarians tend to err in the other direction. So eager are they to abolish massive chunks of the state that they seem unconcerned over the fate of individuals who rely on the state, not just for a welfare check or old age pension, but for justice, protection from crime, or use of common property. If freedom is a precarious heritage — it can be lost in a single generation — then libertarians ought to be more careful about what they hope for. A sweeping change in drug laws or retirement programs that fails, for whatever reason, could produce a backlash that plunges the country back into the "pink decades" of the 1920s and 1930s.

A crucial message conservatives need to hear is that not all libertarians oppose every government intervention. Adam Smith, whose *Wealth of Nations*, published in 1776, may entitle him to be called the first libertarian, found plenty for governments to do, including building roads, bridges, canals, and harbors; subsidizing (though not directly providing) schooling for low-income students; and "erecting and maintaining certain public works and certain public institutions."

According to Friedrich Hayek, there is "a wide and unquestioned field for state activity. In no system that could

By working together, conservatives, libertarians, and the religious right brought about the election of Ronald Reagan, the collapse of the Soviet Union, the fall of the Berlin Wall, and the end of "the era of big government."

be rationally defended would the state just do nothing." Among the tasks he describes are "an intelligently designed and continuously adjusted legal framework" and "the prevention of fraud and deception." National defense is also expected to be the job of governments, not private agents.

Henry Hazlitt, another prominent libertarian, wrote, "It is the proper sphere of government to create and enforce a framework of law that prohibits force and fraud. But it must refrain from specific economic interventions. Government's main economic function is to encourage and preserve a free market."

Milton Friedman, today's best-known libertarian, wrote in *Capitalism and Freedom*, "the need for government . . . arises because absolute freedom is impossible. However attractive anarchy may be as a philosophy, it is not feasible in a world of imperfect men."

Richard Epstein, perhaps the most brilliant libertarian

legal scholar writing today, says, "in those cases where voluntary exchanges cannot achieve potential widespread gains, public force may take up the slack to achieve the desired social outcome . . . Accepting that principle does not clear the path for the promiscuous use of state power. Rather, it requires some clear showing that the individuals subjected to state power all benefit on net from the program that has taken or regulated their property."

Some libertarians view these statements as heretical or embarrassing concessions, and seem willing to throw Smith, Hayek, Hazlitt, Friedman, and Epstein (and Gary Becker, James Buchanan, Charles Murray, Thomas Sowell, Walter Williams, and others) out of the "true" libertarian movement. They need to be reminded that since libertarianism is an intellectual and political movement and not a club, purging individuals isn't an option.

The distinction between libertarianism and anarchism is key to libertarian participation in the conservative movement. Many conservatives honestly don't know there is a distinction, and are quite relieved when they learn of it. Defining the libertarian goal as "limited government" instead of "no government" begins a dialogue about the proper role of government, rather than declaring the discussion ended before it begins. Even libertarians who incline toward the anarchist conclusion will find that they receive a more respectful hearing if they first explain that not all libertarians are anarchists.

The Unnecessary Fight Over Values

Conservatives are willing to call on government to preserve and protect values or institutions they deem critical to a good society, such as protecting unborn children, marriage, religious faith, charity, and respect for legitimate authority. They correctly observe that contemporary liberals often disparage traditional values and ignore the corrosive effects government programs can have on such values.

Conservatives suspect that libertarians, too, disrespect traditional values when they call for legalizing drugs and pornography and for tolerance of homosexuality and other lifestyle choices. They suspect that the libertarian values of individual liberty and personal responsibility are at odds with Judeo-Christian values and the character of good citizens.

Let me say bluntly that these two sets of values, so often set against each other by those who are sympathetic to neither, are not at odds. Hayek, and more recently Randy Barnett, have written eloquently on how libertarian values are part of a political theory that defines what is just, and are distinct from social theories that set out to define the good. Libertarianism, defined as theory of the role of the state in a free society, is silent about the values of its individual members or the goals of the myriad voluntary associations that find safe havens under its rules. All it forbids is the use of force to impose values or plans on others.

The libertarian paradigm of private property, individual freedom, and the rule of law reflects a set of values that are individualist and consequentialist (or materialist). These are liberal, not conservative, values. But libertarian political philosophy asserts only that these values should guide our thinking about the role and organization of government, not how we should run our lives or judge the performance of

institutions that lack government's coercive power. Hayek, in fact, was convinced that the values that prevailed in the two arenas would always be different, posing a constant educational challenge to those seeking to defend the free society.

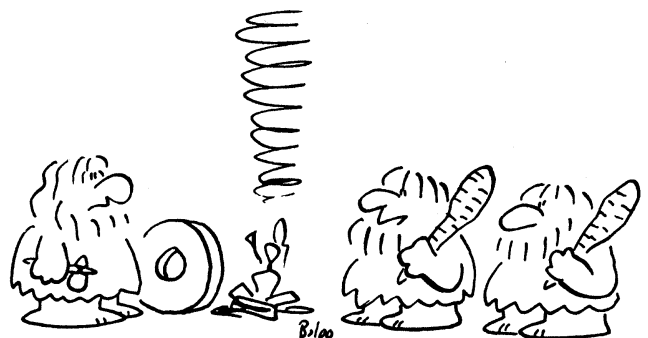
If viewed as social rather than political theory, libertarianism appears to be a competitor of or a substitute for religious faith, patriotism, commitment to family, altruism, and other values important to conservatives. And indeed, for many libertarians, it is. Their libertarian philosophy extends beyond government to challenging the authority of all institutions, including churches, family, and tradition. But libertarianism is a coherent political theory without this dimension, and libertarians are invited into the conservative movement expressly for their political, not social, theory.

Conservatives have a social theory they are comfortable with and committed to. What they lack are political principles enabling them to do more than preside over the slow decline of the Great Society. As Ronald Reagan and Margaret

When conservatives come asking us for advice, we can either hector them for their past transgressions or teach them the principles they need to vote right the next time.

Thatcher demonstrated, conservatives equipped with libertarian political principles can craft messages that fundamentally change political culture and effectively stop the statist tide. George W. Bush is less articulate than Reagan or Thatcher, and much of his recent speaking has been cloaked in the rhetoric of a war presidency, but the political principles he expresses have also been libertarian, not conservative.

Libertarians and conservatives seeking to form alliances need to compartmentalize their beliefs. The values that work inside a family, church, or voluntary association are not reliable guides when crafting public policy. The former require face-to-face interactions among people with strong bonds of kinship or common belief, where problems of interest, knowledge, and power can be quickly confronted and solved (or, if not solved, do little damage to surrounding individu-



"Sorry, but this neighborhood isn't zoned for inventions."

als). Public policy involves coordinating the actions and plans of strangers across great distances and time involving unknowable considerations of fact and circumstance. Values for solving Barnett's problems in public policy require abstract rules and strict limits on the discretionary use of authority. The former can define and achieve the good; the latter can, at best, hope to achieve justice.

Objectivists, paleoconservatives, neoconservatives, and other factions of the conservative movement doubt whether this distinction between social and political theory is tenable. Each believes there is a closer relationship between the values that guide our day-to-day lives and those that ought to guide the state's conduct. I'm not a political philosopher; they may be right. But I do know this: Disagreements over what our personal values are or ought to be lay behind most of the disputes and angry withdrawals that mark the history of the conservative movement. To build an effective conservative coalition, they must be set aside.

Capitalist Values

Some conservatives sense that the libertarian's paradigm of individual freedom, personal responsibility, and the rule of law is not entirely neutral toward competing theories of the good. The economic order that arises from these principles is capitalism, and while capitalism's wealth-generating capacity has benefitted most conservative institutions, its "creative destructive" has simultaneously taken a toll on others. Conservatives had little choice but to favor capitalism over its 20th-century rivals, communism and socialism, but those rivals are now vanquished. Globalism, the latest phase of capitalism, is putting even greater pressure on families, communities, and small businesses. Are capitalist values, as

distinct from libertarian political principles, a threat to conservative values?

The traditional libertarian response (as I read it) would go like this: Capitalism enables those engaged in the necessary activities of production and distribution to conduct themselves with dignity and integrity, to discover their latent talents and find pleasure in providing service to others. No other system can produce the goods and services needed to sustain the human population that two centuries of capitalist prosperity has brought into being.

This is all true, but it dodges the question. Capitalism gives us freedom of choice and unprecedented material prosperity, but has it enabled us to lead virtuous lives that satisfy our demand for spiritual fulfillment? The question isn't new — neocon Irving Kristol asked it in 1978 and unequivocally answered "no." (Hence the title of his book, *Two Cheers for Capitalism*.) Protests against meetings of the World Bank, public reaction to the Enron story, and the success of cam-

Even libertarians who incline toward the anarchist conclusion will find that they receive a more respectful hearing if they first explain that not all libertarians are anarchists.

paigns to demonize a growing list of industries and products (tobacco, guns, plastic, lead, biotech, etc.) all signal growing public discomfort with the "spiritual" side of capitalism.

A good place to start is admitting that capitalism requires a moral as well as prosperous populace. As Michael Novak wrote in *Business as a Calling*:

Businessmen have a vested interest in virtue. It cannot go forward with realism, courage, wisdom, honesty, and integrity without a highly motivated and virtuous work community. It cannot endure without leaders and colleagues in whom many key virtues are internalized. In this and in many other ways, business is dependent on the moral and cultural institutions of a free society: families, especially, schools, and public civic life. A nation's moral culture is even more fundamental than its physical ecology.

Libertarians can go further, sharing with nervous conservatives lists of "capitalist virtues" such as one that appeared in Benjamin Franklin's *Autobiography*, written in 1771, or the "Ten Secrets to Success" that appear in every issue of *Investor's Business Daily*. (See boxes.) The simple act of sharing these lists with conservatives shows we libertarians aren't deaf to the debate taking place outside our windows and around the world.

Beyond suggesting that capitalism contains its own moral virtues, libertarians can ask conservatives not to allow fear of the uncertain outcomes of freedom to lead them to call for government actions that limit freedom. A government powerful enough to ban certain drugs or reading material is powerful enough to violate the sanctity of one's home and physical possessions and to dictate how and what our children are taught. Worse, such a state is powerful enough to restrict criticism of and opposition to its decisions, potentially opening the door to tyranny and despotism.

Benjamin Franklin's List of Virtues

1. *Temperance*. Eat not to dullness; drink not to elevation.
2. *Silence*. Speak not but what may benefit others or yourself; avoid trifling conversation.
3. *Order*. Let all your things have their places; let each part of your business have its time.
4. *Resolution*. Resolve to perform what you ought; perform without fail what you resolve.
5. *Frugality*. Make no expense but to do good to others or yourself; i.e., waste nothing.
6. *Industry*. Lose no time; be always employed in something useful; cut off all unnecessary actions.
7. *Sincerity*. Use no hurtful deceit; think innocently and justly; and, if you speak, speak accordingly.
8. *Justice*. Wrong none by doing injuries, or omitting the benefits that are your duty.
9. *Moderation*. Avoid extremes; forbear resenting injuries so much as you think they deserve.
10. *Cleanliness*. Tolerate no uncleanness in body, clothes, or habitation.
11. *Tranquillity*. Do not be disturbed at trifles, or at accidents common or unavoidable.
12. *Chastity*. Rarely use venery, but for health or offspring, never to dullness, weakness, or the injury of your own or another's peace or reputation.
13. *Humility*. Imitate Jesus and Socrates.

The Religious Right

Evangelicals and libertarians are natural, if unlikely, allies. Evangelicals, more so than conservatives, have reasons to fear and oppose government. In their efforts to prevent abortions, they confront government-funded clinics, police lines, sex-ed classes in public schools, and prosecution under the RICO statute. Their small, church-sponsored institutions face government regulations and mandates written for (and often by) much larger competitors, including the much-discussed threat of being forced to hire gay and lesbian teachers. If they homeschool their children, they are harassed by truancy officers. In their efforts to oppose sex and violence in the media, they face laws and court orders that seemingly give pornographers and rap stars more rights than neighborhoods, schools, and churches.

Unlike many other conservatives, evangelicals tend to be individualists rather than collectivists. Being born again is an individual conversion to faith that underscores the historical emphasis on individual freedom and salvation in Christianity.

The evangelicals who came to be known as "the religious right" sided with conservative (and sometimes with libertarians) during the 1980s and 1990s to call for lower taxes on families; oppose new rights and privileges for favored groups such as pregnant women, gays and lesbians, and atheists; and to preserve or to increase parents' authority over their children in matters of schooling, health care, and discipline. In each case, evangelicals found themselves searching for political principles to explain why they had to battle their own governments, and to make their case convincing to those who didn't share their religious convictions. Libertarians provided the missing ideas.

Understanding what the religious right wants requires some familiarity with the history of religion in the United States, particularly its relationship with egalitarianism, an "ism" that libertarianism seldom pays attention to, but which is already looming large in politics.

According to some religious historians, the United States is in the middle of the "Fourth Great Awakening," a surge in membership in evangelical or "enthusiastic" Christian denominations. Such religious uprisings seem to occur on a 100-year cycle, and their crests coincide with and fuel powerful political movements. In *The Fourth Great Awakening and the Future of Egalitarianism*, Robert William Fogel relates the causes championed by the first awakening (American independence), second (ending slavery), and third (creation of the welfare state), and predicts that "in the years to come, it will be impossible to understand political and ethical trends or economic developments without understanding the movement centered on enthusiastic religions."

The social and political agendas of past great awakenings have had strongly egalitarian themes. These themes harmonized with libertarian values until about 1900, when belief that the state could equalize the physical conditions of men overran faith in the Founding Fathers' libertarian paradigm. Most egalitarians gave up on capitalism completely during the Great Depression, and became a reliable constituency of the left for most of the past half-century.

Fogel expects that today's evangelicals also will pursue an egalitarian agenda, but this time it could harken back to

the individualist and personal-responsibility themes that egalitarians once shared with libertarians. Evangelicals were among the first to realize that individual success in the new era depends on *spiritual* resources — a person's knowledge, values, and self-esteem — and that the state is powerless to redistribute spiritual resources. If you are an evangelical Christian and want to help someone, you don't ask someone else to give that person money: You offer to assist him directly yourself, and in the course of doing so share with him the positive message of Christ that gives meaning and inspiration to your own life. Evangelicals realize that welfare

Unlike many other conservatives, evangelicals tend to be individualists rather than collectivists. Being born again is an individual conversion to faith that underscores the historical emphasis on individual freedom and salvation in Christianity.

can't make up for spiritual and moral deficiencies; churches and voluntary community-based initiatives can.

Libertarians need to build relationships with the leaders and future leaders of the religious right now, or risk spending the first half of the 21st century following in their wake. Our basic message should be that markets — blind to status, radically decentralized, and not subject to control by elites — are more likely to achieve egalitarian ideals than are governments. Rooting out government corruption and restoring accountability, two goals of every past great awakening, can best be accomplished by privatizing government institutions — from schools to pensions to international trade. An excel-

continued on page 61

Investor's Business Daily's "Ten Secrets to Success"

1. How you think is everything: Always be positive. Think success, not failure. Beware of a negative environment.
2. Decide upon your true dreams and goals: Write down your specific goals and develop a plan to reach them.
3. Take action: Goals are nothing without action. Don't be afraid to get started now. Just do it.
4. Never stop learning: Go back to school or read books. Get training and acquire skills.
5. Be persistent and work hard: Success is a marathon, not a sprint. Never give up.
6. Learn to analyze details: Get all the facts, all the input. Learn from your mistakes.
7. Focus your time and money: Don't let other people or things distract you.
8. Don't be afraid to innovate: Be different: Following the herd is a sure way to mediocrity.
9. Deal and communicate with people effectively: No person is an island. Learn to understand and motivate others.
10. Be honest and dependable; take responsibility: Otherwise, Numbers 1-9 won't matter.

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ABC, CBS, and NBC Network TV News. 20/20. Dateline. Nightline. Face the Nation. Meet the Press. "Massachusetts raises taxes" is NOT news.

"Massachusetts Ends the Income Tax" IS news. National News.

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Perception, Control and Anarchy

by Michael Acree

Is the human brain hardwired for anarchy?

Nearly 30 years ago, William T. Powers proposed a radically new theory of human nature, which he called Perceptual Control Theory (PCT). In the final chapter of his book *Behavior: The Control of Perception*,* Powers considered the social implications of his theory. This chapter, called "Conflict and Control," could as easily have been titled "Why Government Doesn't Work." It is the most eloquent argument for anarchy I have read. Powers himself subsequently retreated from the radical conclusions of that chapter, and in fact aligns himself with a number of standard leftist policy positions, such as income redistribution and gun control. Being somewhat embarrassed by what he now characterizes as a rationalization for youthful resistance to authority, he is certainly unwilling to pursue a libertarian agenda. But, whether he likes it or not, his ideas have profound and libertarian implications.

PCT requires some reflection to appreciate. The traditional view — both folk and scientific (whether behaviorist, psychoanalytic, or whatever) — is that people control (or try to control) their actions. PCT holds that what we control are our *perceptions*, using that term broadly enough to encompass everything from the nonconscious control of variables like body temperature or blood pressure to constructs like self-esteem.

The stock illustration is driving. When we are driving, we are not, as the naive might assume, controlling the position of the steering wheel. We can't plan where we want the steering wheel to be even a second in advance. What we actually control is more like the picture in the windshield — keeping in the center of the lane, maintaining a certain distance from the car in front, and so on. Our driving behaviors consist of whatever is necessary to maintain the desired per-

ception. The desired perception constitutes a reference signal, against which we compare our existing perception. If I perceive the car drifting to the left of where I want to be, I act to move it to the right. Inexperienced drivers may overcorrect, and require a cycle or two to stabilize the position. But for anyone, at any stage of the process, discrepancies, in a closed feedback loop, lead to outputs — behaviors — in the opposite direction to reduce the error, and so on and on around the loop. What we're trying to control is not output but input (perception).

Powers wrote a simple program that nicely demonstrates the distinction between control of perception and control of behavior. A computer screen exhibits a square on the left, and your task is simply to move the cursor around the square with the mouse. The cursor, however, has "a mind of its own," as it were; if it drifts to the right, you have to move the mouse to the left to keep the cursor on the targeted square. While you're trying to trace the square, the program traces the way you're actually moving the mouse on the right side of the screen. It turns out that while you are concentrating on drawing a square, you are actually making the mouse trace out a wobbly circle (or a triangle or some other figure, depending on the setting of the program). You are controlling your perception of the mouse's location in relation to the square, quite unaware of the different shape your hand is drawing.

Powers suggests ten or eleven levels of perception control

**Behavior: The Control of Perception*, by W. T. Powers. Aldine, 1973.

in humans. Higher-order control systems set reference levels for lower ones. As I write this in longhand, low-level control systems are maintaining a certain pressure between my fingers and the pen, while others control the formation of letters in the sequence I intend. All this in the service, higher up the hierarchy, of goals like advancing libertarianism and the awareness of PCT. At the same time, other control systems are keeping me rocking in the porch swing, and maintaining my balance and my blood sugar levels.

At the base of the hierarchy are biological variables, like blood sugar and body temperature, that have to be maintained within a certain range for survival. Deviations from the reference state of these variables constitute *intrinsic error*, which we will act, at one level or another, to remove. If we don't know what to do — if none of the systems we have developed for controlling a variable is working — we start trying things at random. If we stumble on something that works, we have a new control system. The same mechanism — reorganization — comes into play in novel situations, and

Powers offers the most eloquent argument for anarchy I have read.

is involved in learning. A simple example of Powers': If we are approaching a door and don't know whether to push or pull, we simply try one or the other. A simple and elegant demonstration of reorganization is provided by the single-cell *E. coli*, which has but two means of locomotion. It can go straight ahead by moving its flagellae together, or it can tumble by moving them asynchronously. These capabilities are sufficient to propel it, with about 70% efficiency, along an increasing sugar gradient. So long as the environment is getting sweeter, it keeps going; when the sweetness decreases, it tumbles and takes off in a new direction, at random.

"Control of perception," of course, does not mean that I can willfully see an apple as an orange (without simply substituting an orange for the apple of my eye). The states of variables are controlled, to the extent anything is. For example, when I move an apple to my mouth, what I control is my perception of its position. Many perceptions cannot be controlled, however I might wish otherwise. That is our principal evidence for an external world. It's all perception, but it's not all of my making.

The reference signal, setting the goal for any particular control loop, embodies the concept of purpose. One of the significant achievements of control theory is thus the clear reconciliation of mechanism and purpose. Purpose has hitherto been generally excluded from the life sciences, as inconsistent with mechanism, but the problem has been simply that our concept of mechanism was too limited.

The closed negative-feedback control loop also embodies circular rather than linear causation: Perceptual inputs and behavioral outputs affect each other, with near simultaneity at the lower levels. Traditional theories, like behaviorism, cut the causal loop in such a way as to make it appear that input (environmental stimuli) causes output (behavior) — although our actions also affect what we subsequently perceive. In economics, for example, we commonly speak causally of incentives as if they determine behavior, but it is

only the fact that people typically have indefinitely high reference levels for money that makes environmental conditions incentives or not. Although the controlled variable is obvious in this case, it can often be difficult to discern what variable people are actually controlling. It may take a skilled psychotherapist to find out.

Suppose, for example, you are discussing gun control with a friend, and observe that he seems resistant to the empirical evidence you offer from John Lott's research. What variable is he controlling? It might be a perception of himself as a good person, part of which to him means endorsing standard leftist policy positions. Maybe he simply doesn't want to lose an argument — or lose an argument to you, or to a libertarian. To determine which variable he is actually controlling, among a very large number of possibilities, would require further observation under specified conditions.

Control theory per se is not new; it was developed by engineers around 70 years ago. There have been a number of thinkers since then who have glimpsed its relevance for biology and psychology, but in many cases they didn't understand control theory well enough to make real use of it. Powers is the first to have worked out a systematic model of life, and of human functioning, specifically. It has been tremendously fashionable in the last 40 years for psychologists to propose "models" consisting of boxes linked with arrows, but when Powers, an engineer, presents a model, he's talking about something that you can build and that will work in the specified way. And his model has remained consistent with everything that has been learned about the neural, endocrine, and other systems of the body in the last 30 years.

That's much more than any rival theory can claim. In 1943, at the start of the digital revolution, McCulloch and Pitts proposed that the nervous system might operate like a digital computer, with the firing or not firing of neurons con-

The traditional view — both folk and scientific — is that people control (or try to control) their actions. Perceptual Control Theory holds that what we control are our perceptions.

stituting the binary basis of digital arithmetic and logical circuits. Psychologists, except for Powers, have never looked back on that initial assumption. One consequence is that models of human functioning have focused overwhelmingly on high-level cognitive operations, like chess playing, at which digital computers excel. In 1964, my introductory psychology professor observed that we still couldn't explain how a rat scratches itself. His observation still holds for mainstream psychology 40 years later. We're nowhere in terms of being able to model simple animal — or insect — behavior such as walking over uneven terrain. Current models of actions as simple as reaching out to pick up a glass of water require calculating the desired trajectory and thus the inverse kinematics, entailing the solution of very large systems of nonlinear differential equations. None of us can begin to do that, especially in real time — yet we assume that

the nervous system of a rat or a dragonfly can. Powers, observing that neurons fire at (more or less) continuously varying rates, argues that the nervous system is an *analog* computer. The neural architecture for such operations, using negative-feedback control systems, becomes extremely simple by comparison — within the capability of an ant.

Readers of Mises' *Human Action* will recall that Mises starts from a similar point, that human action springs from a felt sense of unease, an error condition, but Mises went no further toward developing the notion of negative feedback control. A more important similarity lies in Mises' and Powers' methodological individualism. Psychology, like economics, concerns itself exclusively with the statistical analysis of aggregates, even as it is widely understood that the equations derived for population data are inapplicable to individuals. Powers is as unique in psychology as Mises is in economics in his insistence that human behavior has to be understood at the individual level, and in his rejection of mathematical pseudomodels based on aggregate data.

Social and Political Implications

It is the essence of a control system that when something disturbs a controlled variable, the system acts to correct the disturbance, to reduce the error; it pushes back. I can boost my thyroid level temporarily by taking thyroid capsules, but my thyroid gland, perceiving a level higher than its current reference level, will shut down production. (Not being a yogi, I don't have conscious access to my thyroid reference level.) If someone says something that threatens my self-esteem, it will be hard for me not to try to correct the perceived error, the departure from my reference level. Similarly, if I myself do something that disturbs my preferred perception of self-esteem, I will rationalize that behavior or in other ways act to reduce the perceived error.

Conflict occurs when two control systems attempt to control the same variable at different reference levels. That's a problem within, as well as between, persons. If reference levels of two systems are far apart, relative to error sensitivity, both systems will output their maxima, canceling each other and leaving neither in control. If a disturbance moves the controlled quantity toward the reference for one system, that system will relax, so the quantity gets pulled back in the opposite direction. Powers offers the example of a man who has the goals both of being "assertive" and of being "nice." If he speaks up for himself, for instance in asking for a raise, the error created by his reference level for niceness will lead him to undo that act in some way, like a smile suggesting that he didn't really mean it. Then he will rebuke himself for being wishy-washy, and so on in endless vacillation.

We have been taught to deal with internal conflict by self-control, overcoming particular desires or fears by force of will. But this approach simply pits one control system against another. Because this approach is arbitrary, in the sense that it takes no account of the goals the behavior is helping to control, it will typically induce further conflicts elsewhere in the system. Resolution usually entails moving to a higher level, from which the system may be surveyed; Powers has been developing a technique he calls the Method of Levels to assist in that process.

To set reference levels arbitrarily in another person without inducing conflict is even more difficult than arbitrary

intrapersonal control. One obvious approach is to try to change the other person's perceptions. "Look, this government project will create 20,000 new jobs, so you should vote for me." Readers of *Atlas Shrugged* will not need Powers to explain the limitations of deception as a method of interpersonal control.

If we want someone else to do something differently, our best hope is simply to explain what we want and try to get cooperation, formulating goals that will satisfy both parties. It is painfully obvious to us all that this approach also has its limitations, however, and frustration with it leads typically to the desire for arbitrary control of others:

The only way in which one person can arbitrarily control the behavior of another person, without regard to the other person's goals, is through reward and punishment. That is, only by having the power to create and then alleviate intrinsic error in another person can one truly cause that other person to reorganize and behave in any way desired. (p. 266)

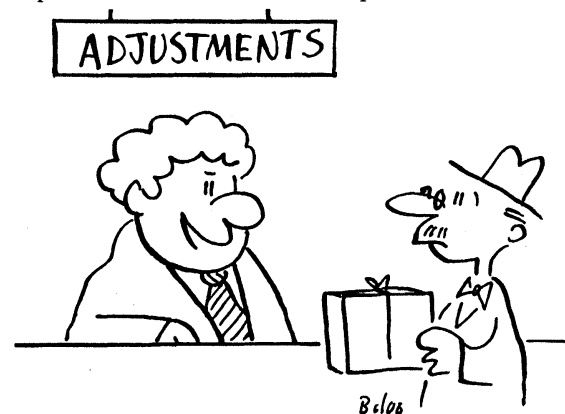
B.F. Skinner supposedly created in *Walden Two* a utopian community based only on rewards, without punishment. But, as Powers was evidently the first to notice, setting up such a community in the first place requires that its organizers get control of the food supply. Any such effort would be

If we don't know what to do — if none of the systems we have developed for controlling a variable is working — we start trying things at random. If we stumble on something that works, we have a new control system.

perceived by its residents as a hostile act — and be energetically resisted — something Skinner's rats were not in a position to do.

Since human beings, like rats and other organisms, are control systems, it is simply in their nature to resist efforts to control them — unless those efforts take into account the goals of the controlled organism. Hence "Any system based on the control of behavior through the use of rewards (or, of course) punishments contains the seeds of its own destruction" (269).

Governments are obviously institutions for arbitrary interpersonal control based on punishment. (The use of



"Oh, not your purchase, sir — I adjust your *attitude*."

"rewards" — e.g., tax breaks — is minor, and parasitic on punishment.)

In our American society there is a widespread belief in the rule of law (enforced by physical punishment) and in the use of incentives tied directly to our ability to stay warm, well fed, and otherwise happy. . . . If we are to trust the theory in this book, however, we must conclude the exact opposite. The more faithfully we adhere to the system of incentives and the rule of law, the closer must the country approach a state of open revolt. (270)

One might take Powers' words here from 30 years ago as prescient, in view of the rise of the militia movement and in

Purpose has hitherto been generally excluded from the life sciences, as inconsistent with mechanism, but the problem has been simply that our concept of mechanism was too limited.

international terrorism in response to increasingly oppressive attempts at control, domestically and abroad.

There is only one way I can see for fallible, ignorant human beings to live in accord with their own real natures and that is to discard forever the principle of controlling each other's behavior, dropping even the desire to control other people, and seeing at every level the fallacy in the logic that leads to such a desire. Whatever system concept we adopt in the effort to reach the conflict-free society, it must contain one primary fact about human beings: They cannot be arbitrarily controlled by any means without creating suffering, violence, and revolution. (269–270)

If, however, "Attempts to control behavior arbitrarily — one's own or that of other people — accomplishes nothing in the long run but to produce conflict and consequent pathology" (259), it is also obvious that everything is contingent upon that phrase "in the long run." The real question is what to do about all the mischief that can be perpetrated before the resistance succeeds. In the case of governments, as Powers himself acknowledged in *Behavior: The Control of Perception*, the "short run" may amount to many generations — too long for a Sam Adams or Osama bin Laden.

Powers now agrees with almost everyone else that the solution to the problem of "mavericks" — of people with whom negotiation will not work — is essentially to make sure that you're the biggest bully: To concentrate sufficient power in a single agency to guarantee that it can arbitrarily control anyone through punishment, and hope that it stays on your side, controlling other people, and yourself, in the way you would want. Powers is not unaware of the risks in this procedure, but he says he has been persuaded by Hugh Gibbons* both that government is necessary and that the rule of law can be made consistent with PCT.

Gibbons, a professor of law at Franklin Pierce Law Center in Concord, N.H., is familiar with PCT and has published a monograph addressing these questions in the journal *Law and Philosophy* (1984). Gibbons starts from the axiom that one

must always allow another to act upon and within himself as a subject. "Coercion is legitimate only when it fosters cooperation" (180), and may be used only to avoid coercion, and not to produce benefits. Gibbons recognizes, however, that the axiom has no weight other than what people give it. Law is required just because the axiom is not hardwired, or effectively instilled. But he also acknowledges that, once a state moves beyond the limit of protecting basic rights, there is no way to control it, and it will in fact tend to keep expanding its power until it prompts a revolution or collapses from choking off production.

As if these concerns were not sufficient grounds for questioning the establishment of a state, Gibbons constructs a distinction which essentially authorizes the expansion of state power: the distinction between juridical and policy matters — more fundamentally, between certainty and uncertainty. Gibbons holds, reasonably, that his axiom does not require banning risky actions, such as driving, since no breach of respect for others is implied by driving (though we should presumably be liable for unforeseen costs imposed on others). But, whereas the U.S. Constitution — especially in the Ninth and Tenth Amendments — implies a crucial distinction between citizens and the state, Gibbons holds that the same principles apply to both. Thus the state is permitted to act whenever there is uncertainty about the results of its actions. That pretty well gives away the store. Policy matters may legitimately be decided by democratic vote, and all the fine discussion of rights and respect and the growth of state power is cast into irrelevancy.

Gibbons is also much concerned with the "captive audience" problem — coercive monopoly as a justification for state intervention — but fails to notice that government poses the biggest captive audience problem of all, since the

Current models of actions as simple as reaching out to pick up a glass of water require calculating the desired trajectory and thus the inverse kinematics, entailing the solution of very large systems of nonlinear differential equations.

state, enjoying a legal monopoly on coercion, is in a position to extract "acquiescence" far more effectively than a coal-mining company.

So far as I can tell, Powers and Gibbons are unacquainted with the work of David Friedman, Bruce Benson, and others who have explored how a modern society might actually function without government. I am not sure whether their failure to follow their ideas through to their logical conclusions represents more a failure of nerve or of imagination — either is a little hard to imagine in a thinker as innovative as Powers. The word *anarchy* was not used in *Behavior: The Control of Perception*; the author argues only that the rule of law would in the long run lead to its own destruction; in fact, he resisted for a long time my ascription of that label to his theory. My sense is that he may have worked these ideas out in the abstract, but — despite the eloquence of his expression

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*Justifying law: An explanation of the deep structure of American law," by Hugh Gibbons. *Law and Philosophy*, 3, 1984, pp. 165–279.

Can Islam Change?

by Frank Fox

"Every catastrophe in history is foreshadowed; there are always some signs in the sky warning people about the danger. Rarely does anyone believe them."

— Calel Perechodnik, a Jewish policeman in a ghetto in Poland

Perechodnik was right, although it is doubtful that human society will in the future avoid calamities that it could prevent. Not every human "flight from reason" can be avoided — still, the record of civilizations teaches us that while insanity may succeed in the short run, it does not prevail in the long term.

The events of Sept. 11 have been subject to much scrutiny, but those who plan calamity do not succeed for the simple reason that they do not take failure into account. The Japanese who attacked at Pearl Harbor did not consider the strength of the "sleeping giant." The Sept. 11 terrorists had already decided to give up their own lives, thus acknowledging a priori their failure. Al Qaeda could succeed in the short term, when it assumed the character of a corporation and used the technology of the West. But it could reward its followers only with death or imprisonment and was thus inferior to a criminal enterprise that masks its character with legitimate activities and so can at least promise wealth on earth to its members and entrance to universities, rather than paradise, to its young.

In the aftermath of the horrible events that befell America we need not only examine our weaknesses but also take pride in our strength. Much is being written about a clash of civilizations and particularly about impending conflict between Islam and the West. In his new book, *The Death of the West*, Patrick Buchanan forecasts demographic changes that spell the end of Western Civilization and the invasion of Europe and Asia by Islamic and African forces that will destroy our way of life. This is not the first time that forecasts have been made about the "decline of the West," and it is fundamentally poor history. Civilizations do not die. The Roman Empire did not "fall" in A.D. 476; it became something else.

The Islamic world is trapped in the 21st century with a faith that seems to be in the era of flying carpets when what threatens is carpet bombing. Islam is a faith that has not found its Luther and Calvin. Those who have remained steadfast to its teachings and imagery are not nations, but families with flags, and thus have not yet achieved the status that the smallest states in Europe have enjoyed for centuries. When a medieval merchant in Italy started his ledger with "In the name of God and profit," he at least understood the role of religion in the new world of finance. The Islamic world understands business methods, but it does not yet understand the role that religion should have in daily life. Indeed, most Islamic countries have not even grasped that something as fundamental as certain kinds of clothing make progress possible. When Kemal Atatürk decreed that Turkish men stop wearing the fez and that women need not remain veiled, he understood that simple fact.

Bin Laden and his followers assumed that they could bring the West to its knees by attacking the World Trade Center, the Pentagon, and the White House. They ignored the old truth that if you intend to kill the king, you had better succeed because otherwise the king's revenge will be most terrible.

The Islamic states whose history in the preceding century was marked by friendship for both Nazi Germany and the

Soviet Union have benefited from a status made up of unequal parts of Western dependence on oil and a romantic view of the desert. This has persisted and to it has now been added a virulent anti-Semitism. Our closest ally, Saudi Arabia, with its guiding doctrine of Wahhabism, continues to view the West with unremitting enmity. The Islamic cries of superiority will eventually resemble the histories of other bankrupt systems whose shrillness concealed their weakness. But one problem demands more attention. The brutal interludes of our times should end the endless debate of what makes a farsighted leader and lead us to examine very carefully the human propensity to become blind followers.

Americans are a resourceful and cheerful people, quite capable of taking care of themselves, and do not take kindly to those who try to stop them from enjoying life. Terrorism, the weapon of the weak, should alert us, not frighten us. We have to say this loud and clear to friends and foes alike: If

The Islamic world is trapped in the 21st century with a faith that seems to be in the era of flying carpets when what threatens is carpet bombing.

one wishes to kill and maim innocents in the pursuit of a religious goal, he shall be speedily helped to martyrdom.

The fundamental inappropriateness of Islamic beliefs will eventually lead to cataclysmic changes in Muslim society. Younger Muslims, the *jeunesse dorée* from Mecca to Teheran, wait for an opportunity to depose their elders. The fact that some of them have chosen to give up their lives for reasons as varied as those of the Crusaders whom they vilify should not be taken as symptomatic of the generation as a whole. The Crusaders embarked on conquest for reasons that ranged from religious devotion to being released from payment of debts; and being simply unhappy at home or wishing to travel. Among the terrorists there must be many who find it difficult to contemplate a "nine to five" existence. The terrorist movement will eventually disintegrate like the

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of them — didn't really think through the ways giving up the rule of law would be incompatible with other social goals to which he still clings.

Powers has recently published a more elementary exposition of his theory in *Making Sense of Behavior: The Meaning of Control*,* perhaps because many readers were put off by the neurological detail and engineering diagrams and equations in *Behavior: The Control of Perception*. *Making Sense of Behavior* does not discuss political theory explicitly, but, interestingly, nothing here is inconsistent with anarchy, either. Powers continues to argue for negotiation as the means of dealing with conflict, and is silent on the question of what to do when it doesn't work.

So, does PCT entail anarchy? Strictly, it could be said only to entail the (slightly) weaker proposition that, in the

Crusades did.

It is incredible that in the entire world of Islam there is no thundering voice that describes jihad as an abomination, as a cowardly attack on the innocent that no religion should sanction. It is telling that there has not been an important Islamic sage or leader who has stood against this self-defeating ideology. That Islam seems to have a great appeal among those in prison tells us a great deal about its future. As a faith it offers a refuge for a mind in turmoil, but unlike other faiths that preach love of the other, it turns the mind toward hatred of the other. It may change a belief, but the chemistry remains the same — toxic and volatile.

This new world of Islam bears only superficial resemblance to that civilization which held an honored place in the preservation and dispersion of knowledge when medieval society was still centered around the Mediterranean. But the absence of Islamic activity in the formation of nation-states ended such a chapter. After the naval Battle of Lepanto in 1571 there was no longer any prospect of Islamic competition with Christian civilization. The language and religion of Arabia survived, but the Muslim world has been backward ever since. The world moved west, away from the Mediterranean and toward the Atlantic. It led to a new chapter in world history in which Islam was only a bystander.

The fact that unremitting rivalry and warring among Islam's many tribes and states is met with calls for Islamic unification shows how far that world is from confronting its problems. In the end, like the person who chooses the right door because all the other doors have been closed off, the Islamic world must choose the Western path that has guided the growth and democratic character of Israel.

Of course, we are in danger individually and in groups — that is nothing new. As a civilization, the West, with America as its model, is just beginning to make its mark on the world. After all, Roman civilization lasted for more than a millennium, and did not even know enough about human reproduction to associate drinking from lead goblets with infertility. America, contrary to Buchanan, does not depend solely on reproduction. Its ideas are doing the propagating. It has a great future for itself and for the entire world. □

long run, government doesn't work — meaning that it will sooner or later lead to conflict, violence, and destruction. But does anarchy really need any further defense?

Regardless of what his theory may bring to the anarchist-minarchist debate, Powers is clearly committed to the principle of respect for others. (This leads him, incidentally, to a rather Szaszian view of psychiatry.) Neglected geniuses — especially those who have ideas about saving the world — are commonly bitter, and resentful of the rest of the world for not appreciating them. (*Liberty* readers will have no trouble thinking of examples.) If Bill Powers harbors any such feelings, they are scarcely apparent. Most unusually, he is a thinker who walks his talk: genuinely open-minded and humble, especially about his theoretical achievements; consistently respectful and cordial, even in media like email. The libertarian movement might be helped almost as much by the practice, as exemplified in that attitude, as by the theory of PCT. □

* *Making Sense of Behavior: The Meaning of Control*, by W.T. Powers. Benchmark Publications, 1998.

The Devil in Ms. Yates

by Sarah McCarthy

Why did Andrea Yates do the horrible thing that she did?

The Andrea Yates case is like a vignette from the film “Monster’s Ball,” which features, among other gruesome events, a state-mandated death by electrocution, a sheriff so brutalized by the grim realities of his job that he verbally and physically brutalizes his adult son until the son shoots himself, and a mother who grabs her fat son’s Twinkies and HoHos from a hiding place under a cushion and tries to beat and humiliate him into dieting down.

The movie’s executioners traditionally hold an execution eve party — the “monster’s ball” of the title — to assuage their guilt and unease with what they have to do. This is an apt metaphor for our own lives, in which we all are dancing as well as we can, and trying to find joy and goodness and forgiveness where we can before the party’s over. “I don’t want to go out like this,” says the sheriff’s aging father as his son deposits him, incontinent with his oxygen tanks and cantankerous disposition, into a long-term care facility. “Neither do I,” replies his son, off to a triumphant fresh start with his new love, best-actress nominee Halle Berry.

No matter how she waltzes around it, it’s difficult to believe Andrea Yates will ever get past the horror and anguish of her crimes. Nor will the Texas jury that found her guilty of murder. The only goodness that can come out of this case is the example provided by the Yates — like a car wreck at the side of the road — of what can happen to those who get drunk on fundamentalist religious beliefs.

Religion by its nature asks that people suspend human reason and adopt faith, putting themselves into a state of unquestioning obedience to an unseen higher power. With a few selected biblical passages, it’s only a few jumps from there to buying into the idea that women should be subservient to men, even if those men are silly brainwashed clods like Rusty Yates. And it really becomes dangerous when these religious zanies start giving out medical advice about childbirth.

For women, family planning is the bedrock of freedom. Without it, we live in biological chains. Andrea Yates was persuaded by her husband and a traveling minister, editor of a newsletter called *The Perilous Times*, that she shouldn’t use

birth control. She had five children and at least one miscarriage in six years.

Megan K. Stack of the *Los Angeles Times* describes the suffocating conditions that existed in the Yates household before Andrea drowned her five children:

The cloistered household . . . was laced with offbeat, even dangerous, religious zeal, according to testimony in the trial. It was a home in which the husband and wife stuck to traditional roles. It was a home in which medicine was frowned upon, school systems were unacceptable and institutional religion was a tool of evil. Doomsday leaflets mailed to the house gave hysterical warnings against demonic influences that threaten young children: “I cannot stress how serious the whole thing is: By the time a child is 14 or 15 years old, it’s too late,” the *Perilous Times* newsletter said. Yates’ husband, Russell “Rusty” Yates, read aloud from the tract during testimony. “If you feed them with the world’s ways, you reap what you sow.”

And the Yates indeed reaped the results of their world’s ways. They lived in the world that upheld what Anna Quindlen has called “the insidious cult of motherhood,” where perpetual childbirth at any cost is the exclusive ideal for God-fearing women — an ideal championed by right-wing ministers and promulgated by Patrick Buchanan as the path to salvation for Western civilization. In the world of perpetual motherhood, the mother’s physical and emotional well-being, the family’s economic circumstances, and the happiness of other children is sacrificed on the altar of unspaced perpetual childbearing.

Therapist Earline Wilcott, who counseled Andrea Yates for months in a Christian center, said the only time she met Rusty Yates he quoted from the Bible: Wives must submit to their husbands. “Sense of [Andrea Yates] being overwhelmed

and trapped with no alternative," Wilcott jotted in her notes.

Doomsday religious tracts written by preacher Michael Woroniecki wielded a heavy influence over the family's lifestyle. Their message: "You are going to hell."

"Do you have any idea how the information you just read would play to the mind of a psychotic individual?" defense lawyer George Parnham asked Rusty Yates.

But alas, the unflappable Rusty Yates, clueless throughout, appears to be a cross between Forrest Gump and Mr. Magoo. Though his wife had once held a knife to her throat and asked him to let her kill herself, and was hospitalized for two other suicide attempts, Rusty still didn't get it. Despite being an \$80,000 per-year rocket scientist, Rusty Yates really didn't get much of anything that was going on in his own house.

Rusty Yates first met preacher Woroniecki when he was attending college at Auburn University and the two became friends. They stayed in touch, and the preacher's wife

Andrea Yates' counselor said the only time she met Rusty Yates he quoted from the Bible: Wives must submit to their husbands.

exchanged letters with Andrea. Woroniecki's leaflets said women have a biblical duty to endure natural childbirth as a "humbling" rite of passage. Andrea Yates gave birth to all five of her children without the aid of pain killers. Any woman who has given birth will recognize that as testimony to the thoroughness of Andrea Yates' brainwashing. Most people would not inflict on a dog what was done to Andrea Yates in the name of religion.

The pamphlets also insisted on the importance of home-schooling. "While his wife sat catatonic in a mental hospital, Rusty Yates was out house-hunting," writes Megan Stack from the trial:

He had a stipulation: There had to be space for a home school, which was Andrea Yates' job. "The social interaction the world tells you is so important is exactly what you need to protect your children from" the leaflet reads. The decision to abandon their first suburban house in favor of a nomadic life in trailer parks came after the birth of the Yates' two eldest children. The family lived for a time in a converted Greyhound bus Rusty Yates bought from the Woronieckis for \$37,000. A pregnant Andrea Yates — who had recently miscarried — slept on a couch because she was afraid to climb over the steering wheel into the couple's bed, [Deborah] Holmes said. The family adored its newfound simplicity, Rusty Yates said. "We had a lot of stuff, a surprising amount of stuff," he told the jury. "It became burdensome."

But it was more than that, Holmes and Wilcott testified: The couple insisted upon moving into the trailer, they said, because they feared the children would become materialistic. So they held a garage sale, and Andrea Yates lost her wedding gifts, furniture — just about everything except her sewing machine and cookware.

"You saw her give up everything she'd worked so hard to gather when she was out on her own?" prosecutor Kaylynn

Williford asked Holmes. "Yes," Holmes replied.

Though the Houston jury decided that Yates didn't meet the woefully inadequate legal definition of insanity, she was diagnosed as a suicidal schizophrenic. Dr. Melissa Ferguson, a psychiatrist at the Harris County Jail, said Yates was "one of the sickest patients I had ever seen" when she treated her after the June 20 killings.

Ferguson says Yates exhibited signs of paranoia and delusions — saying "I am Satan" and wanting to shave her head to reveal the "mark of the beast," or the number 666, that she believed was engraved on her scalp. Though the 666 on her scalp was imagined, Andrea's head was filled with religious ardor and fundamentalist beliefs which topped off in a bizarre concoction of delusions and hallucinations.

Megan Stack continues from the trial:

For years, Andrea Yates suffered suicide attempts, catatonic states and psychosis. In a quavering voice, her best friend told the jury she watched helplessly while the 37-year-old mother wasted away, stopped talking to her children and paced aimless circles with a baby on her bony hip. Yates stopped bathing and grew too emaciated to breast-feed, said her friend Deborah Holmes. The two women became friends before Yates' marriage, when they worked together as nurses in a Houston hospital.

For two years before the Yates children were killed, Holmes had kept a diary chronicling Andrea Yates' condition "in case something bad happens." Holmes said Rusty Yates considered child care a woman's responsibility and refused to help his wife tend the children. "I'm not saying he didn't play with them or enjoy them, but as far as care for them, he didn't," Holmes said. "If the kids' faces or hands were dirty, he'd say, 'Wait till your mother comes.' I called her husband crying and sobbing, saying she needs help now," said Holmes. "He'd say, 'I'll look into it.' I'd say, 'She's not going to make it through the weekend.'"

Women are somewhat more sympathetic to the plight of Andrea Yates because many of us have endured the sense of dependency and overwhelming sense of responsibility that can occur postpartum. I remember well the feeling of being diminished, dependent, and helpless after the birth of two children in eleven months. A college graduate who had been a teacher, earning my own salary, and an equal companion to my husband, I was now dependent on him for my very existence. It was not a good feeling, and it doesn't make for a healthy marriage. I began having agoraphobia and panic attacks. A formerly brainwashed Roman Catholic, tightly ensconced in the guilt and obedience trap, I was told by a priest in the hospital three days after the birth of my second child that if I planned to use birth control he could not grant me absolution. Filled with a sense of responsibility for the care of my two existing babies as well as with concerns about my own health, physical and emotional, I replied with a rebellious spirit that I was leaving the church. For the first time in my life I knew beyond a doubt that I was right, and the church that had had so much influence over me was wrong. For me, it was a heady experience, and I have never looked back. It was a beautiful thing, this leaving, this freedom to think for myself, to make my own moral decisions. At the monster's ball, you really don't need to dance with a crutch. □

No Man's Land

by Steve Pendleton

There is one large area of land left on Earth that really is a no man's land, available for claim by anyone who wants it.

Despite the rapacious expansion of nation-states in the last few centuries, there are still a few places on earth that have not been officially claimed. Some of these areas, known as no man's lands have been buffer zones between two hostile powers. Others lie in areas so remote as to be almost impossible to reach.

Some of these areas have been very small in size but very useful militarily. In World War I, no man's land was the area between the trenches of France — unlivable, but also valuable enough to waste millions of lives.

Today, most such no man's land territories make up narrow pieces of real estate dividing warring neighbors. Such zones exist — or have recently existed — in Bosnia, Beirut, Cyprus, and the DMZ between North and South Korea. After 1948, a small area of land divided the Jewish and Jordanian sections of Jerusalem for about 20 years. Of course, living in these areas would be extremely unnerving, lying as they do under the cannon of two unfriendly nations.

Occasionally, land has been officially unclaimed pending settlement of a boundary treaty. This usually, but not always, happens when the land is unpopulated and not thought to have economic viability.

For many years, two large areas of the Middle East were unclaimed. They were known as the Neutral Territories. One was a diamond-shaped bit of desert between Saudi Arabia and Iraq, just west of Kuwait. The other was a rectangular area to the south of Kuwait's border with Saudi Arabia. When oil was discovered, a treaty was signed dividing up the land.

However, there is one large area of land left on earth that really is a no man's land, yet does not serve as a buffer zone.

Waiting nations are not exactly in line to claim it either.

Sounds like a possible paradise, doesn't it? A place subject to no nation's laws, because there's no nation there — or even nearby. A place with no military and no taxes.

Too good to be true? Gotta be a catch? Well, yes.

This land available for claim is part of Antarctica. This pie-shaped territory with the end of the wedge touching the South Pole is large enough to hide several states. Its eastern border is 90 degrees west longitude, the western edge of the Antarctic land claimed by Chile. The western boundary is 150 degrees west longitude, the eastern border of the Ross Dependency, claimed by New Zealand. The sheer size of this hunk of ice and rock is staggering. We're talking hundreds of thousands of square miles here.

With all this land available, why is there no nation's flag on it?

After all, the rest of the Antarctic has been claimed for years. Norway, Australia, France, and New Zealand have uncontested claims to various pie-shaped chunks of Antarctica. There are even claims on top of claims: On the Antarctic Peninsula, Chile, Argentina, and Great Britain all have claims that overlap.

These claims have been taken quite seriously. On several

occasions there have been shots fired between the British and Argentineans, though there were no casualties.

There are several grounds on which a country can advance a claim of sovereignty. The historically accepted means of obtaining sovereignty is that the first nation to plant its flag on a piece of ground gets title to it. (Of course, this procedure often ignores the original residents.) In 1972, the Kingdom of Tonga made sure that its claim to the Minerva Reef — which is under water at high tide — was internationally recognized by sending an expedition to it. (By the way, why do you think the United States planted an American flag on the moon?)

The second way is by “effective possession” — the nation that settles a piece of land can claim it if no one else wants to fight over it. Several of the Spratly Islands in the South China Sea have been occupied with this strategy in mind.

A third reason is the use of historic territorial claims. Chile and Argentina argue that their sovereignty over parts of Antarctica dates back to 1493, when neither country existed. In that year, by declaration of the pope, Spain and Portugal divided up the unknown world between them,

Sheer ice cliffs rise hundreds of feet straight out of the ocean, making landing extremely difficult, and ice shelves frequently shear off into state-sized icebergs.

which is why Portugal got Brazil and Spain got the remainder of South America. It also gave Spain claim to a portion of Antarctica, which Argentina and Chile inherited when Spain ceded its sovereignty over the southernmost parts of the Western Hemisphere after the revolutions of the early 19th century.

Another argument which, at least indirectly, encouraged the creation of the No Man's Land was one put forth by a Canadian lawyer in 1907. He argued that countries bordering the polar areas should be allowed to establish polar claims along meridians adjacent to their boundaries. A look at the map will show that Antarctica's No Man's Land is bordered on the north only by the open Pacific.

This argument reinforces the claims of Argentina and Chile, whose claims extend over territory that was not even

known until quite recently. Norway claims Queen Maud Land on the coast of Antarctica, but does not claim the quadrant within its pie next to the Pole. To do so might injure claims Norway has in the North Polar regions.

There are two other ways of supporting land claims in the Antarctic. One is by whaling voyages in the 19th century. Many polar discoveries were made by these far-ranging sailors. Norway's claim, for example, is largely justified by the discoveries of its pelagic whaling fleets. The other is by establishing post offices in the Antarctic and issuing postage stamps. Great Britain was the pioneer of this process — Scott's expeditions in the early 1900s each had printed postage stamps for use by expedition members on the ice. Since 1944 Britain has issued stamps for its claims, which it first called the Falkland Islands Dependencies, and more recently the British Antarctic Territory.

Since the 1950s, France has issued postage for its French Southern and Antarctic Territories. Australia releases stamps for Australian Antarctic Territories (though they are valid throughout Australia). New Zealand releases Ross Dependency stamps, though it no longer maintains a post office within the territory. Many other nations, Chile, Argentina, Brazil, Japan, Russia, and the United States to name a few, also release stamps to publicize their own Antarctic programs. That these stamps — and the post offices at the various bases — are used only by base scientists, tourists, and polar philatelists looking for souvenirs — is rather immaterial.

None of these territorial claims apply to No Man's Land. It is one of the least-visited, most inaccessible parts of the Antarctic. It is far from any other continent. Most research stations cluster on the Antarctic Peninsula, only a few hours' flight from South America.

It is also not as close to the South Pole as is the Ross Sea area. Thus, early explorers like Scott and Amundsen did not use the area as a jumping-off point for their dashes to the Pole.

Its coastline presents another problem. Sheer ice cliffs rise hundreds of feet straight out of the ocean, making landing extremely difficult. Also, at least in recent years, many such shelves have sheared off into state-sized icebergs. Another icy barrier is the sea pack. During winter the pack extends hundreds of miles north along the entire Antarctic coast, making winter shipping impossible. However, in the summer the pack retreats. In the Weddell Sea to the east of the Peninsula, and along the coast of the unclaimed land, however, the pack often lingers year-round.

What the pack does, of course, is make cruising in the Amundsen Sea (the geographical name for this area) quite dangerous, especially if your ship is not ice-hardened. In 1898, the Belgian explorer de Gerlache and his crew aboard the old sailing vessel *Belgica* were frozen in along this coast, and became the first men to withstand the rigors of an Antarctic winter. It proved to be a hellish experience. Many of the crew battled madness and depression. Not surprisingly, whaling ships and pole-racers avoided this region.

So it's easy to see why no nation has laid claim to this pie of snow and ice. However, one nation did keep an unofficial eye on the area and even gave the land a name — Marie Byrd Land.



“Yes, I shot him — but I thought he was a hologram.”

In 1939, after two previous American expeditions to Antarctica, a third expedition under Adm. Richard Byrd's leadership went south. This group established two bases. One was at previously used Little America, on the Ross Ice Shelf to the west of Marie Byrd Land. The other was on Stonington Island off the Antarctic Peninsula.

On Nov. 25, 1939, President Roosevelt instructed Adm. Byrd that "expedition members . . . may take . . . steps such as dropping claims from airplanes, depositing writing in cairns, which might assist in supporting a sovereignty claim . . . no public announcements shall be made without specific authority of the Secretary of State."

One expedition member, Leonard Berlin, actually signed a document authorizing a U.S. claim. This paper was placed in a bottle and buried in a cairn on top of Mount Grace McKinley, within the boundaries of No Man's Land. Highly unofficial, but land claims have been won on less. The U.S. took additional similar actions during the fourth Byrd expedition, also known as Operation Highjump. This operated in the Antarctic during the 1946-7 summer season. Again, however, the U.S. made no formal claim, though many authorities assumed that such a claim had been made. Maps in well-known publications (e.g. *The Poles*, Time-Life Books, 1966) show it as American territory.

Whether America had a valid claim became irrelevant when the U.S. signed the Antarctic Treaty, which took effect in 1961, whose signatories agreed to make no future claims to Antarctica so long as the treaty is in effect. So long as the treaty remains in force, its signatories (including most major nations and a number of other countries which have established Antarctic research stations) have agreed to a number of conditions. The treaty also specifies that no nation interfere with another's scientific station, a condition that was

Villa las Estrellas at Eduardo Frei base and Marambio base have seen families, schools, births — even a supermarket.

observed when two nations were otherwise at war — as the United Kingdom and Argentina were in 1982. The British Signy Island and the Argentine Islas Orcadas bases, both located in the lonely South Orkneys, maintained a peaceful distance during the disturbance. The United Kingdom did forcibly eject the Argentines from their Corbeta Uruguay base in the South Shetlands at the end of the war. However, this was on a sub-Antarctic island chain.

In practice, nations can build stations about anywhere they desire, aside from a few sensitive areas that have been declared off-limits because of their historical interest or to protect animal and plant life. Other than that, the ice is open ground.

No military weapons are allowed south of 60 degrees latitude. This applies to both land weapons and warships. (An exception is the armaments on icebreakers.) Warships are even forbidden to do target practice south of the line.

Military personnel, however, are often found in the Antarctic. That's because many scientific programs are run

by a country's military. This is true of Argentina, Chile, Ecuador, and some others. The program of the United States relies on transport provided or aided by the U.S. Navy, Coast Guard, Air Force, and National Guard.

According to the treaty, no new claims can be made during its life. Since no one has publicly claimed No Man's Land, it cannot now be claimed by those who have not signed the treaty.

However, the treaty's rule against claiming No Man's Land does not stop a country from constructing bases there. Such construction has certainly been popular around the rest of the continent — in the 1990s at least 26 nations had been involved in building bases, and a few bases were built in No Man's Land.

In 1957, prior to the treaty's taking effect, the United States constructed Byrd Station, at approximately 89 degrees south, 120 degrees west. This was an underground station,

Could a private organization negotiate the huge amount of preparation needed for a successful Antarctic base? One already has.

built almost at the South Pole. Until 1972 a small complement of scientists served year-round. They studied physics, meteorology, geophysics, and glaciology. Snow gradually began to crush the buildings and scientific demands diminished. The original base was closed, but summer-only activities continued at Byrd Surface Camp. Scientific research has also been continued in the Horlick Mountains and at Aurora Sub-Station. The U.S. Navy and Coast Guard have also conducted a number of exploratory voyages along the coastline.

In the 1970s, the Soviet Union established Russkaya Base on the No Man's Land coast. A more permanent camp was established in 1982. This was abandoned in the 1990s after the breakup of the Soviet Union. Both bases faced formidable supply problems. Byrd could be supported by air — an airstrip was hacked out of the ice — and by tractor trains. Russkaya could sometimes be supplied by ship, but the pack ice in its vicinity made this an iffy proposition.

Living in No Man's Land

Trying to live in No Man's Land would create some unique problems.



"Let's cut to the chase — I'm taking you off food."

First, it would be a hugely expensive proposition. Everything — and I mean everything — necessary for a base to survive without outside aid for at least two years would have to be moved in. This would require an ice-strengthened vessel or some form of air transport.

Such vessels are available, and fairly cheaply. Redundant vessels from the old Soviet arctic fleet are available for charter. They are already used to haul tourists to the Antarctic. I have visited the Antarctic in one of these. While not luxurious, it was quite seaworthy, and the crew seemed to know their way around the ice.

Could a private organization negotiate the huge amount of preparation needed for a successful base? One already has. For several years Greenpeace supported a four-man (actually three-man, one-woman) base on Ross Island. This was in the face of opposition by the signatories of the treaty.

Such a base might possibly be a profitable venture. One way to earn money would be to sell chunks of shelf ice. Fresh water is in high demand in much of the world. Though not technologically feasible today, mining might eventually prove economical. Fishing for such resources as the Patagonian toothfish and krill might produce funds. Finally, such a base could issue its own postage stamps. The Greenpeace base did so for a number of years, though I doubt its profit amounted to much.

Several nations have established families at their bases. Villa las Estrellas at Eduardo Frei base (Chile) and Marambio base (Argentina) have seen families, schools, births — even a supermercado. These families have agreed to live in Antarctica for two year periods.

Of course, the worst enemy of any Antarctic venture is the weather. In No Man's Land the temperature varies from 0 degrees Celsius during a summer heat wave to -50 Celsius in the depths of winter. The wind is almost constant. It blows, sometimes at hurricane speed, down from the interior of the continent. During the darkness of winter, no plane or ship could reach the base. Anyone living in No Man's Land would be isolated six months of the year.

What would the legal status of No Man's Land settlers be? Those who man stations now are considered citizens of their home countries. No passports are needed by scientists or tourists to visit any of the claims. Nationals of any country can visit any of the stations. Luckily, most Antarcticans and visitors seem to be pretty law-abiding sorts, since there are no police or military forces within helping distance.

Practically speaking, should a group decide to settle No Man's Land, no one would be there to stop it. It is certainly doubtful that any country would initiate military action on the continent — after all, military action is prohibited by the Antarctic Treaty. □

Letters, from page 5

killer — presumably facing something like 20 years in prison — to roam around town indefinitely, driving the bereaved parents out of their minds and — given his wealthy family — presenting a definite flight risk. But what really puzzled me, until I read Holzer, was the almost universal critical acclaim, even from the usually sophisticated *New Yorker*, which compared it to a Sophoclean tragedy.

Realizing Holzer was right about how "critics adore tragically flawed characters," this set me to thinking about what fundamental point *In the Bedroom* was trying to make. Was the implausible "third act" — grieving father turns vigilante — the director's way of giving some emotional goosing to an otherwise dull and monochromatic story? I didn't understand it; couldn't let go of it. I wished Ms. Rand were still around.

Then I realized the theme went much deeper than "the tragic flaw" nonsense. On the surface, you have this almost ideal American family — the mother a musicologist, the father a doctor, the son a bit confused but young — an idyllic New England existence straight out of Norman Rockwell. Early

in the movie we're hit over the head with a sophomoric metaphor for all of life: two lobsters who get along . . . until you introduce a third one — into the net, in the bedroom, wherever. Until you unleash murder.

This is pure Theodore Dreiser, who had a gloomy opinion of mankind and whose novel, *The Financier*, used the metaphor of a fish tank housing a squid and a lobster. Day after day the lobster snipped off pieces of the live squid until there was nothing left. This makes a profound impression on the young-boy protagonist, who grows up to become a predatory capitalist: squids are devoured by lobsters, lobsters by men, men by other men.

In the Bedroom's theme is markedly similar: Even the most civilized men and women — even doctors and musicologists — are helplessly driven by emotion and instinct. In killing their son's killer, they had no choice. How else to preserve their marriage, their very sanity? The dead giveaway is the movie's last image: a wide, high-angle shot of the beautiful town with its sun-bathed harbor and its church spire, suggesting humanity at its best — until we look in the bedroom, in all the

bedrooms.

Literature provides many examples of predatory nature as symbolic of human existence, but in good literature it's integrated into the plot or the characters' lives through conflict — for instance, *Moby Dick*, *The Old Man and the Sea*, Faulkner's *The Bear* — where the writers used raw nature to dramatize heroism, sometimes tragic heroism. *In the Bedroom*, in contrast, stops dead in its tracks for a lecture on marine biology in order to make its philosophic point.

The movie's theme is clear: human beings are pathetic creatures who, beneath the veneer of civilization, are primitive and violent. To date the movie, in limited release, has grossed only \$17 million — not exactly a smash hit, despite the raves. The public may have more sense than the reviewers.

Al Ramrus
Pacific Palisades, Calif.

Who's Keeping Whom Down?

Ken Schoolland's case for open immigration ("Open Minds, Closed Borders," January) raises some interesting issues.

continued on page 60

Reviews

Fool's Errands: America's Recent Encounters with Nation Building, by Gary T. Dempsey with Roger W. Fontaine. Cato Institute, 2001, 224 pages.

The Folly of Nation Building

Alan Bock

When the war against Afghanistan — or the bombing campaign, depending on how much of a stickler you are for constitutional niceties like declarations of war — was just beginning, I distinctly remember hearing President Bush promise quite specifically that the United States wasn't going to get involved in "nation building" in Afghanistan. No, no, we had learned our lessons from the Clinton era. War on evil, yes. Nation building, no.

Bush may have been sincere about this, though no one ever lost any money betting against the sincerity of an American president. But when the slaughter of Asians cooled off, the earlier promise became, as politicians like to say, inoperative. The international dynamics — not to mention the nature of the people who populate the state and defense departments — virtually guaranteed it.

Fool's Errands, by Gary T. Dempsey and Roger W. Fontaine, could serve as something of a corrective. Most Americans have a vague feeling that the "nation building" adventures in which the Clinton administration dabbled distractedly — Haiti, Somalia, Bosnia, Kosovo — didn't turn out too well, but few believe they were catastrophic. Americans try hard to do the

right thing, but those foreigners are just so, well, foreign. Anyway, hardly any Americans came home in body bags.

Fool's Errands makes it clear that even without the body bags, these ventures caused significant damage to the countries that endured them and to long-run American interests, at least if those interests include minimizing the number of people who resent the United States. They were guided not so much by naive American idealism as by the ideology of nation building, which is more European — or transnational — than American, and ultimately much more naive than simple boosterism. Dempsey and Fontaine tell just how miserably all these missions failed, despite — or perhaps because of — the best exertions of the "best and the brightest."

The notion that the United States is the wielder of virtuous power isn't an entirely new concept. At least since Woodrow Wilson a certain breed of American internationalist has been entranced with the idea of using power to do good, and a substantial number of internationalists have long been impatient with the idea of national sovereignty. It became more practical to abandon the idea of sovereignty openly, and make "human rights" and "democratic enlargement" the guiding

principles once the Soviet Union ceased to be a threat.

The idea of nation building has been floating about for some time in the rarefied atmospheres of academic and diplomatic conferences held in warm-weather vacation spots. But nation building is a lot more complicated and difficult than nation builders profess to believe. In excruciating detail, Dempsey and Fontaine tell just how miserably all these missions failed, despite — or perhaps because of — the best efforts of America's policy elite. It makes for instructive, if hardly inspiring, reading.

The Clinton administration's "best and brightest" actually seemed to think, for example, that installing Aristide by force would transform Haiti into a democratic utopia. They got involved in Somali domestic disputes and squabbles from a position of almost complete and arrogant ignorance, relying on the belief that military force and good intentions would ineluctably solve tribal rivalries that have gone on for centuries. They created a "multiethnic" Bosnia and tried to manipulate its domestic politics when it proved unstable. They openly played favorites in Bosnia and Kosovo, creating widespread resentment against the United States from all sides.

Most of these failures have been reported by the American press. Dempsey and Fontaine stitch the loose threads into a larger tapestry of failure. And they explain the kind of thinking that leads to failure.

These Clinton-era fiascos, the authors conclude, "were expressions of the administration's faith in the power of government, especially the U.S. government, to engineer solutions to political and social problems." At the end of the administration, with failure after failure staring him in the face, Clinton said, "We've got to realize that there are other places in the world that we haven't fooled with enough." The

White House then presented a "new development agenda for the 21st century" with an "accelerated campaign against global poverty" and the elimination of the "digital divide," and advocated "democratic enlargement" as a uniquely American (i.e., bureaucratic) response to globalism. Clinton's people were quite open and explicit about the fact that their program meant an end to outdated concepts like national sovereignty and that it would cost a great deal in military force and foreign aid.

Fool's Errands provides extensive quotations from academic proponents

They were guided not so much by naive American idealism as by the ideology of nation building, which is more European — or transnational — than American, and ultimately much more naive than simple boosterism.

of nation building, many of whom had the chance to apply their theories as officials during the Clinton administration. They explicitly abandon the theory of equal sovereignty among nations, which has been a governing principle of international law for almost a century — and which was designed to minimize international conflict. The principle of equal sovereignty holds that what a sovereign state does inside its borders is its own

business, even if it is reprehensible to others. Military action is justified only when a country takes action outside its borders, by making war on or interfering in the internal affairs of another sovereign state.

Although the principle of equal sovereignty was sometimes exploited by repressive regimes (e.g., the Soviets and Chinese) and, like any general rule of action, had gray areas — (when a subsidy to a foreign opposition group becomes an interference that could be called aggressive, for example) — most states respected the sovereignty of other states.

With the end of the Cold War, however, came much chin-rubbing about the proper role of the United States in a world in which it was no longer needed to contain the Soviet Union. As Dempsey and Fontaine put it, "One theme that proved popular with the foreign policy establishment — and which coincidentally required maintaining Cold War-era levels of global activism and defense spending — was 'promoting democracy.'"

Scholars left and right, including Morton Halperin, Tufts professor Tony Smith, Harvard professor Stanley Hoffman, and American Enterprise fellows Joshua Muravchik and Michael Ledeen, wrote articles and books arguing that the primary goal of American foreign policy should be to "promote democracy." National security adviser Anthony Lake noted in a 1993 speech that the United States had successfully contained threats to market democracies, but "now we should seek to enlarge their reach. We should strengthen the community of major

market democracies. We need to pursue our humanitarian agenda not only by providing aid but also by working to help democracy and market economies take root in regions of greatest humanitarian concern." This became policy when Secretary of State Warren Christopher announced in June, 1993, that the Clinton administration's goal in Somalia was not simply to contain a potential threat, but to play "a sturdy American role to help the United Nations rebuild a viable nation-state." Although the term "nation building" was abandoned after the Somalia debacle, the same motive prompted U.S. interventions in Haiti, Bosnia, and Kosovo.

By the end of the 1990s, the pretense of respecting national sovereignty had virtually disappeared. There were crusades to wage. Bill Clinton told Wolf Blitzer in June, 1999, shortly after the end of the NATO bombing campaign in Kosovo: "Whether within or beyond the borders of a country, if the world community has the power to stop it, we ought to stop genocide and ethnic cleansing." This echoed what then-U.N. Secretary General Javier Perez de Cuellar had

Proponents of nation building explicitly abandon the theory of equal sovereignty among nations, which has been a governing principle of international law for almost a century.

said as long ago as 1991, "that the defense of the oppressed in the name of morality should prevail over frontiers and legal documents." Francis Deng declared that the concept of sovereignty should be "reinterpreted as a concept of responsibility to protect one's own citizens. The sovereign has to become responsible or forfeit sovereignty." Jan Vederveen of the Institute for Social Studies in the Netherlands averred that "It is not so much that sovereignty is becoming an 'archaic' notion, as some assert, but that it is increasingly being viewed as conditional in relation to human rights."

I am tempted to give two cheers for



"I don't know what we ever did around here before collective bargaining."

the notion that human rights are more important than state sovereignty. But in practice this notion has been used mainly to justify intervention and aggression (what else would you call a bombing campaign?) by the biggest, most powerful state in the world, or by an agglomeration of powerful countries.

Perhaps it would do no good to send copies of *Fool's Errands* to members of Congress and to executive-branch policymakers. But if you're uneasy about the notion of nation building, this book will give you even more powerful reasons to be concerned. □

Rediscovering Vardis Fisher: Centennial Essays, edited by Joseph M. Flora. University of Idaho Press, 2000, 248 pages.

The Forgotten Individualist

Miles N. Fowler

All of Vardis Fisher's 37 books are out of print. The prevailing judgment among critics is that Fisher's earliest books are his best, although his last novel, *Mountain Man* (1965) has its defenders. The closest he came to a masterpiece is his second novel, *Dark Bridwell* (1931); indeed, critic Frederick Manfred has gone so far as to suggest that Hemingway never wrote anything as good as *Dark Bridwell*. Yet the novel never sold well, demonstrating — as if it needed demonstration — that artistic merit does not necessarily go hand in hand with commercial success.

In 1996, a year after Fisher's 100th birthday, Joseph M. Flora, began compiling *Rediscovering Vardis Fisher: Centennial Essays*. Flora tells us that Fisher is often viewed as "a curmudgeon, increasingly out of touch with the realities of the twentieth century" (p. 1), a view echoed by Doris Betts (94). Yet, far from being out of touch with the realities of his time, Fisher was ahead of his time in recognizing that the utopian experiments of the

past century were failures, even disasters, which could explain why so few opinion-makers have been eager to embrace his legacy. Had Fisher been less talented but more in step with the march to serfdom, he might be taught regularly in American literature courses today.

Fisher's work has some political implications, and part of the reason for his continuing obscurity could be that he is too conservative for liberals and too libertarian for conservatives. Fisher has a libertarian streak, but while most of his readers enjoy his lyricism and gritty storytelling, few fully appreciate his political viewpoint, and most scholars see Fisher's ornery political opinions as a liability.

Flora and the other contributors to *Rediscovering Vardis Fisher* seem unable to recognize that Fisher is neither an anachronism nor a conservative. In the Menckenesque columns he wrote for Idaho newspapers for more than 20 years, he showed that his libertarian streak ran far too deep for him to fit comfortably into the conservative camp. His outspoken opposition to the Vietnam conflict must have seemed

heresy to conservatives, not to mention his atheism and his rejection of traditional sexual morality. But Fisher also spoke out against the New Deal, Camelot, and the Great Society. Long before Bill Clinton turned the practice into self-parody, Fisher observed that Democrats rule by exploiting and even inventing economic crises.

Flora is puzzled by Fisher's hostility toward Roosevelt's New Deal because, after all, it employed him as director of the Idaho Federal Writers' Project, a branch of the Works Progress Administration, and provided him "with needed income and enhanced his reputation" (4-5). But Flora must have known from Fisher's autobiographical novel *Orphans in Gethsemane* that Fisher found the WPA hierarchy treacherous and his tenure on the Writers' Project frustrating and disillusioning. (At least the protagonist of *Orphans* found it disillusioning; Fisher himself may already have been disillusioned when he took the job.) Rebelling against federal micromanagement of the American Guide series, he defied orders from Washington, D.C. by publishing *Idaho: A Guide in Word and Picture* (1937) ahead of schedule. The book was a critical success, but Fisher was punished, nonetheless, when he was "promoted" to regional director of the Rocky Mountain states, an isolated position in which it was impossible to accomplish anything and from which he soon resigned.

Both Flora (5) and Betts (94) single out Roosevelt as if he were Fisher's principal political bête noir, but Betts allows that Fisher criticized "the American presence in Vietnam and almost everything else." "Everything else" included war in general, the incipient political correctness movement that tried to ban *Huckleberry Finn*, every president from Woodrow Wilson to Lyndon Johnson, then Vice President Richard Nixon, and virtually all of Idaho's politicians regardless of party affiliation. He once wrote a column in which he offered to run simultaneously for every federal office to which Idaho is entitled, and vowed that, in holding all of them at once, he would do a better job than the incumbents while saving taxpayers the cost of paying more than one salary.

In spite of its problems, *Redis-*

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covering Vardis Fisher is a serviceable introduction to Fisher's fiction. The contributors cover various subjects, but there is enough overlap to give more than one opinion on major topics. With the exception of Mick McAllister's fine piece, "Father to the Man: An Apology for Fisher's Indians," none of the essays have appeared anywhere else. Most are critical and devoid of fawning praise, but only Marilyn Trent Grunkemeyer's "An Anthropological View of the 'Testament of Man'" is hypercritical. Though Fisher published short stories, poetry, and nonfiction, *Rediscovering Vardis Fisher* focuses primarily on his novels and, to a lesser extent, Fisher himself. It includes a concise chronology of Fisher's major life events and publication dates and a critical bibliography by Mark Canada — an excellent guide to books by and about Fisher.

Shunned Individualist

Flora is dubious about Fisher's own explanation for his low esteem — that he had made enemies among "reviewers and critics because he had not joined the communist brigade" (5). Fisher never had enough popular appeal to safely ignore the whims of politically correct critics, like Hemingway did, for example. Further, when Fisher won the 1939 Harper Prize for *Children of God: An American Epic*, about the origin and persecution of the early Mormons (his only best-selling novel), the judges were prevented from exercising any prejudices they might have had because they did not know the contestants' names. Stephen L. Tanner, in his contribution to this collection, says Fisher told members of the Western Literature Association in 1966 "that the reason *Children of God* won the prize was that the judges thought the manuscript belonged to Bernard DeVoto" (109). Though Fisher was probably joking, the notion seems plausible because DeVoto, a popular liberal writer of the time, was known to have an interest in the Mormon experience. Fisher was also convinced that he had earned the ire of the Eastern publishing establishment by charging them with parochialism in their treatment of western American writers. A review of one of Fisher's novels, *The Valley of Vision*, appeared in the July 2, 1951, issue of

Time with the headline "Strictly From Idaho." After decrying the maliciousness of the review itself, Fisher wrote, "The worst part, of course, is that the state of Idaho, perfectly innocent of the whole matter, should have been dragged into it."

"The reasons for the vicissitudes of Fisher's fortunes during his lifetime are numerous," writes Flora, "some were not of his making, some were" (4). While acknowledging that some writers simply sink into obscurity after death, Flora lays some of the blame for Fisher's declining reputation in the '70s and '80s at the feet of his widow, Opal Laurel Holmes, whose alternating absence and defensiveness undermined her intention to protect her late husband's legacy. When Boise State

Fisher's libertarian streak ran far too deep for him to fit comfortably into the conservative camp.

University's library offered to set aside a room dedicated to Fisher's books and papers, she dragged her feet until the library decided instead to give the room over to the papers of Sen. Frank Church — "a nice piece of irony," adds Flora, "since Fisher (maintaining the right-wing bent of his politics) had attacked Church frequently in his newspaper columns" (7). Holmes was quick to act, on the other hand, when some Mormons (including Fisher's younger sister) tried to claim Fisher as a Mormon. Though nominally a Mormon in his youth, Fisher was not only an atheist but had never been properly catechized and, Tanner tells us, was so misinformed regarding details of Mormon theology and practice that *Children of God* is rife with errors (100-102). When she republished *Dark Bridwell* under her own imprint, Holmes appended an angry open letter to the president of the church. Flora believes that this material made "the edition inappropriate for classroom use" (8), though he provides no evidence that very many academics would have taught Fisher's masterpiece even without this screed.

Ultimately, we must explain

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Fisher's obscurity by taking into account his own choices. His first two novels, set in his native Idaho, earned him praise as a regional novelist, and his third through sixth novels, an autobiographical tetralogy, brought favorable comparison to Thomas Wolfe, his friend and former teaching colleague at New York University's Washington Square College. Fisher launched a career as a historical novelist with *Children of God* from which he earned enough to buy 23 acres in the Hagerman Valley of south-central Idaho, where he resided for the rest of his life. There, he wrote six modestly successful American historical novels,

Fisher did not raise his estimation of primitive peoples so much as he lowered his opinion of civilized ones.

but his major literary project after *Children of God* was a series of twelve books he dubbed the "Testament of Man."

The first eleven are historical novels set in the Old World, the twelfth, an autobiographical novel revising and updating his earlier tetralogy. Fisher sought to explore the socio-political problems of the modern age in parables about those ideological choices that, in Fisher's view, led to Western civilization's present self-limiting beliefs and prejudices. Behind its historical settings, the "Testament" is

really one man's attempt to grapple with his contemporary society as well as his own psyche. While intellectually provocative, the "Testament" novels are too eccentric to appeal to a mass audience and too uneven to win the favor of critics. The series became less and less marketable with each installment, especially given Fisher's skeptical view of Judaism and Christianity. But Fisher saw it through to the end, even while publishers, one after another, dropped him. The series as a whole could have been better researched (especially the prehistoric entries) and less didactic. As Larry McMurtry wrote, "Fisher has a strong desire to be the scholar-artist, but his gift for narrative is not always compatible with his yen for scholarship" (220).

Political Readings

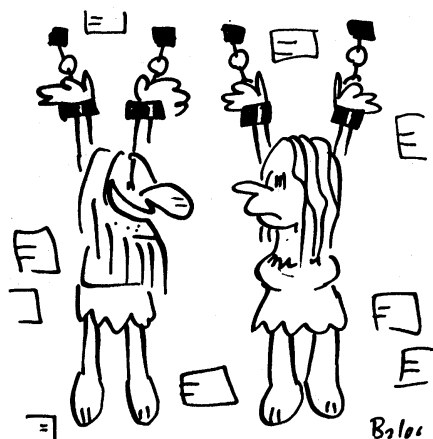
James H. Maguire questions the classification of Fisher as a naturalist by his early critics because Fisher does not portray nature as inevitably defeating his characters as naturalists so often do. Rather, he sees nature as "Janus-faced," presenting people with favorable or unfavorable circumstances more or less at random. In *Toilers of the Hills* and *Dark Bridwell*, the efforts of his more persistent characters are eventually rewarded. Fisher's third novel, *In Tragic Life*, tells of its protagonist's childhood of poverty and repression in a terrifying wilderness, but this character, too, persists and eventually finds sustenance and even pleasure in an otherwise arbitrary world. Maguire concludes that this is realism rather than naturalism. Peter Blakemore takes a different approach to Fisher's view of nature. The characters in *Dark Bridwell* live in a darkened canyon dominated by a turbulent river, and each sees the world differently depending on his or her relationship to — or isolation from — other people, animals, plants, the soil, and the river.

Marilyn Trent Grunkemeyer argues that "All of Fisher's heroes are clearly Fisher himself" (188), and claims that he agrees with the views of his protagonists even when he explicitly denounces them. For example, she insists that Fisher shares the views of Dove, the male protagonist of *Adam and the Serpent*, who has a revelation of the evil of women (186), despite Fisher's, as narrator, writing that "The idea of

sin, and of woman as the one who brought sin into the world, had entered the consciousness of man, and this furious lunatic was giving a foretaste of the horrors to come — of all the incredible agonies to be suffered by millions in flame, on the rack, in dungeons, on the cross, because a mad prophet, shamed by his low estate and hating women, had boldly decided that they were the source of evil."

Any page of Mick McAllister's contribution shows a more profound understanding of the implications of cultural evolutionism than Grunkemeyer's entire essay. It is McAllister's view that, as a jumping off point for fiction, Fisher's bad anthropology is "harmless and heuristic." It is only when one takes it seriously as anthropology that it becomes dangerous (125). McAllister also recognizes that the key to understanding Fisher's often perplexing attitudes toward race and culture is in his changing portrait of the American Indian. Fisher's narrow research for his "Testament" series taught him to look at Native American culture as being at a primitive and childlike stage of development. "[H]e

One critic argues that "All of Fisher's heroes are clearly Fisher himself," and claims that he agrees with the views of his protagonists even when he explicitly denounces them.



"How long you in for, Sonny?"

is, in the jargon of anthropological theory, a 'unilateral evolutionist,' committed to the idea that all cultures pass through roughly the same stages and that all humankind has essentially the same mind and evolutionary 'goal'" (125). Ethnocentricity is not equivalent to racism, McAllister argues; rather, racism is one kind of ethnocentricity while evolutionism is another. The latter holds that some types of societies are immature, leaving open the possibility that these "immature" societies can eventually "grow up." Thus Fisher is not a racist but rather a cultural chauvinist. The same childlike traits he applies to some of his Indian characters he also applies to white Europeans

in his novels set in the Stone Age.

"It is a tribute to Fisher's intellectual character," McAllister concludes, "that he was able, in *Mountain Man*, to see past the self-imposed blinders of his scholarly research to the essential common humanity of us all. It is an embarrassment to those who love his work despite its faults and limitations that he wrote for so long and, sometimes, so persuasively, wearing those blinders" (125).

My own view is that Fisher did not so much abandon his theory as he revised it in light of its inherent contradiction: In his "Testament" series, Fisher concludes that virtually all people in all historical eras, himself and his own included, are childish. If "civilized" men and women are like children and animals, how could Fisher maintain that Europeans are less so than Native Americans? When *Mountain Man*'s protagonist muses that the difference between Indians and whites is that Indians enjoy torturing

Had Fisher been less talented but more in step with the march to serfdom, he might be taught regularly in American literature courses today.

their prisoners while whites do not, it is only 20 pages later that he observes white men enjoying the torture of Indian prisoners. McAllister wonders whether Fisher was aware of this dramatic irony, but I see no reason to doubt that he planted it deliberately. Fisher's view in *Mountain Man* is not a rejection of his earlier beliefs about human nature; he did not raise his estimation of primitive peoples so much as he lowered his opinion of civilized ones. Ultimately, Fisher's pessimism about humanity's capacity to achieve and maintain free societies forms the outer boundary of his libertarian tendencies. In spite of that, there is something to be savored, bittersweet though it is, in Fisher's longing for the full birthright of reason and freedom that he believes has been denied to all of us — especially at those times when pessimism seems most difficult to dismiss. □

***Denying the Holocaust: The Growing Assault on Truth and Memory*, by Deborah Lipstadt. The Free Press, 1993, 278 pages.**

Holocaust Denial on the Left

Barry Loberfeld

Justice Charles Gray read his verdict on April 11, 2000, after which both parties to the suit walked out of the courtroom and onto a London street. There, for all to see, was the insidious atrocity denier in the flesh — and yet no one thought to throw any eggs at Deborah Lipstadt.

Oh, they threw them at David Irving, whose status as a Holocaust denier was, even before the verdict, obvious to everyone — except, evidently, Irving himself, which alone can explain why he instigated the most self-destructive libel suit since Lillian Hellman served papers to Mary McCarthy (which, as William Wright in *Lillian Hellman: The Image, the Woman* observed, "forced one of the country's sharpest and most energetic minds to pore through the entire Hellman oeuvre in search of lies").

No doubt the only bigger fool was anyone who failed to put a little money on Miss Lipstadt. 2001 saw the publication of two books — *Lying About Hitler: History, Holocaust, and the David Irving Trial*, by Richard J. Evans (the main expert witness for Lipstadt's defense) and *The Holocaust on Trial*, by D.D. Guttenplan, an independent journalist publishing both here and in Britain — that provided a full account of the trial, and there's talk of even more (including one by Lipstadt herself) on the way. But even before I read these, it was the very audacity of Irving's legal challenge that had me off and running to find out exactly what Lipstadt, an Emory University professor and the

author of *Denying the Holocaust: The Growing Assault on Truth and Memory* (1993), could have said about him. However, by the time I crossed the finish line and could put my seeing glasses back on, a very different question had won out: Was I the only one other than Irving to have actually read this book?

Forget about what she says about Irving. It's tame stuff, nowhere near as damning as what came out in court. A better portrait of the man — and of Holocaust denial — can be found in 2000's *Denying History*, by Michael Shermer and Alex Grobman. No, the interesting part begins (in Chapter 2: "The Antecedents: History, Conspiracy, and Fantasy") with Lipstadt's notion that the roots of Holocaust denial lie, not with neo-Nazism, but with World War II "isolationism," which she limns with exactly the spatter you'd expect, swinging from the mandatory suspects (e.g., Father Coughlin) to such genuine leading lights as John T. Flynn, whose worthy classic *The Roosevelt Myth* is apparently cited just to allow her to mention that it was "released by Devin-Adair, which would in turn become one of the leading publishers of Holocaust denial material" — an observation on par with pointing out that many of H.L. Mencken's pro-limited government essays first appeared in *The American Mercury*, which would "in turn" become one of the leading publishers of anti-Semite. Delightfully, Lipstadt will soon treat us to an even lovelier image of guilt by association. But basically what she wants us to glean from this historical graffiti is the contention

that "[v]irtually all the [isolationists'] charges were adopted by the deniers" — "arguments [that] would become crucial elements in the deniers' [efforts]."

Such as? "They generally agreed that the United States should not have allowed itself to be drawn into the war" — a hideous conviction, to be sure, but at least one that can be correctly attributed to the isolationists, which is more than can be said for what comes next: "They recognized that [after the war] the Allies in general and Americans in particular were likely to balk at aiding a country that was perceived as vicious, if not genocidal."

Lipstadt contends that the roots of Holocaust denial lie, not with neo-Nazism, but with World War II "isolationism."

dal. It was necessary, therefore, to mitigate, if not totally dissipate, the uniqueness of Germany's wartime behavior." The error may be mine, but I really don't recall the isolationists (who were often smeared as "pro-German") having been all that keen on foreign aid, much less that the architects of the Marshall Plan sought moral support from the (by then defunct) America First Committee. Well, no matter exactly whom Lipstadt has in mind, "they" accomplished this mitigation "in a number of ways," with the foremost being "by engaging in immoral equivalencies — that is, by citing

what they claimed were comparable Allied wrongs." And the connection with Holocaust denial? Lipstadt contends that the concept of "comparable Allied wrongs" has become a fulcrum of contemporary Holocaust denial and a theme repeated continually in their literature.

But the deniers do not stop with this. In order to achieve their goals, one of which is the historical rehabilitation of Germany, they must "eliminate" the Holocaust. Once they do so, this equation — that everyone is equally guilty — becomes even easier to make. If there was no Holocaust and the Allies committed terrible atrocities, then what was so bad about Nazi Germany?

Actually, that would render the equation, not "easier," but null. In any case, what we have here, in its essentials, is: Opposition to U.S. entry into World War II plus making rude noises about evils committed by nations other than Nazi Germany equals denial of the "uniqueness" of the Holocaust, which ("in turn") equals denial of the reality of the Holocaust — the Lipstadtian thesis.

Immoral Equivalencies

John T. Flynn was the father of David J.C. Irving. Honestly, I never suspected. Be that as it may, it's a revelation that does not "inform" *Denying the Holocaust* so much as it transforms it into something far more than a mere profile of crackpots and lunatics.

Lipstadt begins her explication of "immoral equivalencies" with two "mild example[s]." *Chicago Tribune* editor George Morgenstern had (in 1947) paralleled the "slave states" of the Axis

with the "exploitation" of millions of native peoples by the British Empire. Similarly, William Neumann — "one of the first to attack prewar U.S. foreign policy," his only identification — opined that the Allies had committed evils that matched the Nazis' "point by point." (The first example given by Lipstadt: "Stalin had invaded Poland in 1939 . . .") But she hastens to warn us that there "were also those who, not satisfied with attacking Roosevelt or equating German and [Allied] wrongdoing, went a step further and portrayed Germany as the much-maligned victim of Allied aggression. Such arguments served as the model for those who would eventually seek not just to exculpate Germany for the Holocaust but to deny its existence altogether."

Indeed? "Such arguments" as? Believe it or not: the condemnation (as an atrocity) of "the bombing of Dresden and Cologne." So, when British Maj. Gen. J.F.C. Fuller damned

Opposition to U.S. entry into World War II and making rude noises about evils committed by nations other than Nazi Germany amounts to denial of the "uniqueness" of the Holocaust, which in turn amounts to denying that the Holocaust ever happened.

the air raids as "appalling slaughterings, which would have disgraced Attila" — or when historian Max Hastings (*Bomber Command*) stated his belief that the "cost of the bomber offensive in life, treasure, and moral superiority over the enemy tragically outstripped the results that it achieved" — both were doing nothing but clearing the brush for the emergence from the muck of Ernst Zündel and Fred Leuchter. Even worse: "They" — presumably, "those who . . . went a step further"; here again Lipstadt fails to name names, Fuller and Hastings are my examples — "assailed Allied acquiescence in allowing the bifurcation of Germany and



"You knew when you took this job that there's no rest for the wicked!"

Soviet hegemony in Eastern Europe, ignoring the fact that the West had no alternative short of armed conflict with the Soviets." And so by failing to acknowledge the obvious reasons why American troops had to cross the

Lipstadt does not merely absolve communist ideology of any responsibility for Pol Pot's genocide — she denies that any genocide even happened in Cambodia.

Atlantic to save Western Europe from Nazism but could not march a few miles to save Eastern Europe from communism, "they" — wittingly? unwittingly? — paved for the deniers the way out of the wilderness and onto cable access television.

These little points of contention of hers, however, are mere buds. Lipstadt's indictment of the "relativists" (i.e., the promulgators of "immoral equivalencies") fully flowers with so astounding a statement that it fairly begs to be quoted at length, and I haven't the heart to say no. Ergo:

Relativists and German apologists cited the Allies' mass transfer of German citizens from Czechoslovakia and Poland in the immediate aftermath of the war as the ultimate example of Allied brutality. Sen. William Langer (R-ND), who had vigorously opposed Roosevelt's foreign policy, spoke of a "savagely and fanatical plot" to destroy fifteen million German women and children. Senator Langer claimed that three million of the German refugees had died en route. Freda Utey [*The High Cost of Vengeance*] described these population transfers as "crimes against humanity." Her choice of this particular phrase, which had already gained wide currency as a result of the Nuremberg indictments, was telling. (Eventually Utey would become one of the most vocal of Sen. Joseph McCarthy's supporters, branding one of those he accused of being a Communist spy as a "Judas cow," an animal who led others to be slaughtered). Using a tactic that typified the

actions of those who, in their quest to defend Nazi Germany, stopped short of denying the atrocities [i.e., the Holocaust], she compared these transfers [and the concomitant deaths] with what had been done to the Jews. According to her the expulsion of millions of people from their homes for the sole "crime" of being part of the German "race" was an "atrocious" equivalent to "the extermination of the Jews and the massacres of the Poles and Russians by the Nazis."

Now what is Lipstadt saying here? That Sen. Langer was an isolationist extremist who invented wild tales of exiles and casualties? That Utey was a despicable McCarthyite and fellow

traveler (of the "defend[ers of] Nazi Germany") who unconscionably exploited the language of the Holocaust to describe what was only . . . what? A myth? A hoax? Exactly what is Lipstadt denying? That about 16 million Germans were forced from their ancestral communities in Eastern Europe? That about two million were killed by this "transfer"? That they were expelled solely because they were ethnic Germans? That this action constituted a "crime against humanity," an "atrocious" in the same sense as the Nazi barbarities? That those who would affirm these statements do not do so only as the forward guard of Holocaust denial? Perhaps Lipstadt

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might care to ponder the reflections of G.M. Tamas, a Hungarian who (in *The Spectator* in 1989) wrote:

The Jews were murdered and mourned. . . . But who has mourned the Germans? Who feels any guilt for the millions expelled from Silesia and Moravia and the Volga region, slaughtered during their long trek, starved, put into camps, raped, frightened, humiliated? . . . Who dares to remember that the expulsion of the Germans made the communist parties quite popular in the 1940s? . . . The world expects Germany and Austria to "come to terms" with their past. But no one will admonish us, Poles, Czechs, and Hungarians, to do the same. Eastern Europe's dark secret remains a secret.

And will remain so indefinitely as long as we allow the Deborah

Why should we exonerate Deborah Lipstadt as a mere ignoramus, when she herself condemns David Irving et al. as liars, hatemongers, immoralists, and clear-and-present dangers to the commonweal?

Lipstadt to convince us that to throw light on such evils is to "in turn" plunge the Holocaust into darkness.

These are but a few examples of the applied Lipstadtian thesis, with the most noteworthy ones saving their appearance for the final chapter. But along the way Lipstadt spills a hint of what's there when she makes a passing comment about the "distasteful . . . creating [of] an immoral equivalence of the gulag versus the death camps." What, in the name of decency, is either "distasteful" or "immoral" about such a comparison, you ask? Good question. Lipstadt herself tells us that "between 1.5 and 2 million" died at Auschwitz, while scholar Robert Conquest notes that "some three million" died at Kolyma. Moreover, Lipstadt, in that final chapter, readily admits that "Stalin killed more people than did the Nazis." So, the answer is? The only one made possible by her thesis: Such comparisons are thinly veiled attempts to

deny the reality of the Holocaust by denying its uniqueness.

The Battle for Uniqueness

In "Watching on the Rhine: The Future Course of Holocaust Denial," Lipstadt confirms any and all suspicions that her thesis is a juggernaut that recognizes and respects no boundaries. Focusing on the Historikerstreit in the '80s that involved Ernst Nolte and other German intellectuals who had compared the Holocaust to the other great mass murders of history (in the author's rendition: "the Holocaust was simply one among many evils"), she speeds far past the post of "comparable Allied wrongs":

The [German] historians' attempts to create such immoral equivalencies ignored the dramatic difference between these events and the Holocaust. The brutal Armenian tragedy, which the perpetrators [she must mean current Turkish officials] still refuse to acknowledge adequately, was conducted within the context of a ruthless Turkish policy of expulsion and resettlement. It was terrible and caused horrendous suffering but it was not part of a process of total annihilation of an entire people.

I suppose that we should be somewhat thankful that in this case we at least get an unambiguous concession that the "policy of expulsion and resettlement" was not only real but even "ruthless." But that's all we get. Forget about the "annihilation of an entire people" — it seems quite uncertain whether Lipstadt really believes the "policy" killed any people. Our professor cites no sources for this rendition of history. Not that surprising, since it's a rendition shared by no one: not those who commanded the carnage nor those who actually witnessed it nor those who today truly "acknowledge [it] adequately."

Enver Pasha, one of the Turkish triumvirate rulers, openly declared, "The Ottoman Empire should be cleaned up of the Armenians and the Lebanese. We have destroyed the former by the sword, we shall destroy the latter through starvation." Talat Pasha, another Young Turk, was equally explicit: "Turkey is taking advantage of the war in order to thoroughly liquidate its internal foes, i.e., the indigenous Christians." The second group

includes Mustafa Arif, minister of interior, who admitted that the "war-time leaders, imbued with a spirit of brigandage, carried out the law of deportation in a manner that could surpass the proclivities of the most bloodthirsty bandits. They decided to exterminate the Armenians, and they did exterminate them." Our ambassador, Henry Morgenthau Sr., wired Secretary of State William Jennings Bryan, calling the actions of the Young Turks an attempt at "racial extermination." In

When the Holocaust becomes history's greatest victimization, then the Jews become history's greatest victims.

Ambassador Morgenthau's Story (1919), we read, "When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race; they understood this well, and, in their conversations with me, they made no particular attempt to conceal the fact." Finally, in 1994, Yossi Beilin, Israeli deputy foreign minister, provided the proper memorial: "It was not war. It was most certainly massacre and genocide, something the world must remember . . . We will always reject any attempt to erase its record, even for some political advantage." Too obviously, denying the Holocaust parallel can be the effect of only one of two causes, neither charitable: an immense ignorance of this history — or a conscious "attempt to erase its record" precisely "for some political advantage."

Lipstadt's discussion of the Khmer Rouge is so riddled with error as to actually require itemization:

. . . [1] The Khmer Rouge's massacre of a million of their fellow Cambodians, [2] to which the Western world turned a blind eye, [3] was carried out, as Richard Evans [in *Hitler's Shadow*] observes, as a means of subduing and eliminating those whom Pol Pot imagined had collaborated with the Americans during the previous hostilities. The ruthless policy was conducted as part of a brutalizing war that had destroyed much of

Cambodia's moral, social, and physical infrastructure. [4] This is not intended in any way as a justification of what happened in Cambodia. [5] The Khmer Rouge's treatment of their countrymen was barbaric. But what they did was quite different from the Nazis' annihilation of the Jews, which was "a gratuitous act carried out by a prosperous, advanced, industrial nation at the height of its power."

Okay, let's take 'em as they come.

(1) The figure is closer to two million. Still, we should again be "some-what thankful" that we at last get Lipstadt to acknowledge that a bona fide "massacre" (but not "genocide" — that would be pushing it) had occurred.

(2) Unless "the Western world" means Gareth Porter and George Hildebrand (*Cambodia: Starvation and*

Why are Hitler's non-Jewish victims not part of "the Holocaust"? Why have the 5 million become not even a footnote?

Revolution), this is simply nonsense. In fact, many Westerners (e.g., Assistant Secretary of State for East Asian and Pacific Affairs Philip Habib) predicted that a "bloodbath" would follow a Khmer Rouge seizure of power.

(3) The massacre was carried out, as David Horowitz and Peter Collier (*Destructive Generation*) observe, "as part of [the Khmer Rouge's] unremitting assault on the cities as centers of bourgeois culture. . . . Their savagery was . . . a systematic strategy dictated by their Marxist political program, which required the destruction of traditional institutions like religion and family, and which required as well forced collectivization, liquidation of the 'parasitic' classes, and police terror." The notion that the Khmer Rouge singled out "those whom Pol Pot imagined had collaborated with the Americans" bears an unsettling resemblance to "the argument of Staughton Lynd and Tom Hayden . . . that the systematic mass murder of North Vietnamese peasants . . . by Ho Chi

Minh's dictatorship . . . had been nothing more than spontaneous lynchings of pro-French traitors" (Michael Lind, *Vietnam: The Necessary War*). And "as part of a brutalizing war"? Meaning what — in response to the forces fighting the Khmer Rouge? Here the resemblance is with the equally unsettling Chomsky-Herman suggestion (in *After the Cataclysm*) that Khmer Rouge violence was a "direct and understandable response to the still more concen-

trated and extreme savagery of a U.S. assault that may in part have been designed to evoke this very response." Shifting into that mode, we may float the possibility that der Führer conceived the Final Solution in response to the declaration of war by Britain and France, who issued the declaration to achieve precisely that. Yet most disturbing — shocking, really, since Lipstadt herself clearly does not recognize it — is the symmetry of her

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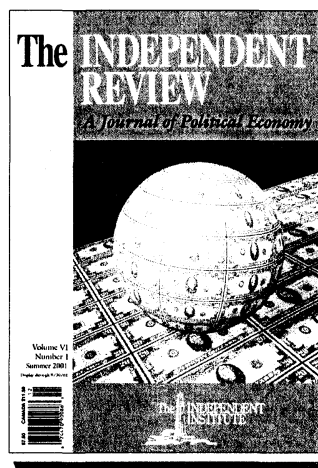
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adopted New Left historiography and the attempts of those who would deny or diminish the Holocaust by arguing that (in her paraphrase) "most Jews died of starvation and disease (as is the case in every war) or were killed as partisans and spies."

(4) Could've fooled me. Lipstadt does not merely absolve communist ideology of any responsibility for Pol Pot's class genocide — she denies that there was any genocide, any "annihilation" — but blames others (in "part") for the "ruthless policy."

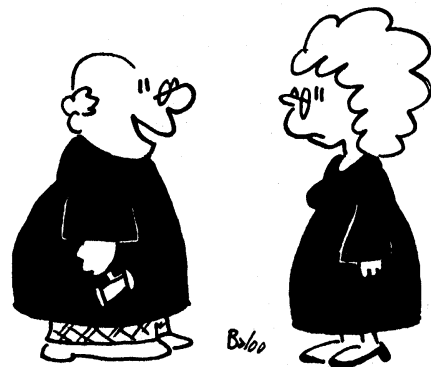
(5) Again, meaning what? That the atrocity of the Killing Fields was a "non-gratuitous" act carried out by a

The Brown Terror was nothing more than the Red Terror's same genocidal socialism with class consciousness replaced by racial nationalism.

poor, backwards, agrarian nation at the nadir of its power? What import would Lipstadt have us attach to that? Would she see, let's say, the rise of Nazism as somewhat mitigated by the fact that it was emphatically not an "act carried out by a prosperous, advanced, industrial nation at the height of its power"?

The Lipstadtian Thesis

By now it's impossible not to see where all this is going: Yes, other governments may have killed many persons, but only the Nazis acted with the intent of achieving "total annihilation



"So this is the famous Judge Oglethrope — your pictures don't do you justice!"

of an entire people." It is the uniqueness of this racism that distinguishes the Holocaust as history's only true genocide. Witness this rhetorical marvel:

These historians also seem intent on obscuring the crucial contrasts between Stalinism and Nazism. Whereas Stalin's terror was arbitrary, Hitler's was targeted at a particular group. As the German historian Eberhard Jäckel observed in an attack on Nolte and his compatriots, never before in history was a particular human group — its men, women, children, old, young, healthy, and infirm — singled out to be killed as rapidly as possible using "every possible means of state power" to do so. The fate of every Jew who came under German rule was essentially sealed. In contrast, no citizen of the Soviet Union assumed that deportation and death were inevitable consequences of his or her ethnic origins. People in the USSR did not know who might be next on Stalin's list. This uncertainty terrorized them. By contrast, during the Nazi assault on the Jews "every single one of millions of targeted Jews was to be murdered. Eradication was to be total." The Nazis did not borrow these methods from the Soviets. They were *sui generis*, and the refusal of these historians to acknowledge that fact reflects the same triumph of ideology over truth that we have seen throughout this study.

All right, so perhaps "marvel" doesn't quite do it justice. Doctors Jäckel and Lipstadt, if they are so focused on ethnic genocide, might wish to apply their criteria to the Armenian genocide (which Hitler cited as a precedent) or, even better, to the *Ausrottung* of the Native Americans (which Lipstadt doesn't deign to so much as mention) before finalizing their pronouncement of "never before in history." They might also think to acquaint themselves with the Bolsheviks' "monstrous plan of de-Cossackization," which "involved mass relocation of population, the extermination of a rich stratum of Cossacks, the creation of concentration camps for the families of rebellious Cossacks, and systematic terror" (Vladimir Brovkin, *Russia After Lenin*). An excellent book would be Aleksandr

M. Nekrich's *The Punished Peoples: The Deportation and Tragic Fate of Soviet Minorities at the End of the Second World War*, although Lipstadt herself would probably prefer the example of persecution discussed in Louis Rapoport's *Stalin's War Against the Jews*. But is it really better not to know whether your "ethnic origins" (or any other factor) will condemn you to "deportation and death" until it's too late? I don't know; too bad Freud and Einstein aren't still around for us to ask.

Nonetheless, when it comes to the madness of genocide, there can be no doubt as to its etiology in 20th-century Europe:

We are not carrying out war against individuals. We are exterminating the bourgeoisie as a class. We are not looking for evidence or witnesses to reveal deeds or words against the Soviet power. The first question we ask is: to what class does he belong, what are his origins, upbringing, education, or profession? These questions define the fate of the accused. This is the essence of the Red Terror.

The Brown Terror was nothing more than this same genocidal socialism with class consciousness replaced by racial nationalism — "National Socialism." Following as a matter of course (which Mises stressed in *Omnipotent Government*) were the party dictatorship, the cult of the leader, the secret police, the concentration camps, and all the other practical features of Stalinism. *Sui generis*? Nonsense, especially when considered in relation to another canon of Holocaust studies orthodoxy: the notion that the Nazi slaughter of the Jews was the inevitable culmination of two millennia of Christendom. As Ralph Raico once observed, "Crusader murders in Jerusalem in the year 1096 are an important part of the story, but not Bolshevik murders in the 1920s and 30s" — a most apt example of the "triumph of ideology over truth."

Unsavoury Motivations

The verdict on Lipstadt? Certainly "immense ignorance" goes a long way toward explaining her means and motive. But there is also the matter of "political advantage." She is irreversibly convinced that we must proclaim the Holocaust history's *magnum crimen* lest Jew-haters go about claiming that

"it never happened." It's the same m.o. as the multiculturalist who insists that school texts "include" Crispus Attucks lest our Archie Bunkers go about claiming that "white people did everything" — historical interpretation retooled as a pre-emptive strike against lowbrow bigotry. Of course, though, the mention of Attucks is in no way comparable to the "basic strategy of distortion" that defines her work and the Holocaust deniers' equally. Thus, the question becomes: Why should we exonerate Deborah Lipstadt as a mere ignoramus, when she herself

Is the Ukrainian terror-famine ever even mentioned, let alone memorialized — in art, literature, and discourse — as the nadir of man's inhumanity to man?

condemns David Irving et al. as liars, hatemongers, immoralists, and clear and present dangers to the commonweal?

Of their respective offenses, there can be no doubt that Lipstadt's (and that of her many Lipstadtian predecessors and contemporaries) has had the more widespread and destructive impact upon society. Ironically, she herself presents the evidence: "The question that logically follows from [these immoral equivalencies] is, Why, then, do we 'only' hear about the Holocaust? For the deniers and many others who are 'not yet' deniers, the answer to this final question is obvious: because of the power of the Jews." She condemns as paranoiac prejudice the inability to understand why we hear about the Holocaust alone; she doesn't deny the fact that we do. Indeed, how could she? When was the last time you heard about the Armenian horror? Does the name "Kolyma" appear in popular culture with anything near the frequency of "Auschwitz"? Is the Ukrainian terror-famine ever even mentioned, let alone memorialized — in art, literature, and discourse — as the nadir of man's inhumanity to man? Who speaks of the murders of Maoist China? Not

Lipstadt, who nonetheless inadvertently provides a motive also for the discrepancy between communism and Nazism with which the tenured disintelligentsia, a virtual *cosa nostra* of Lipstadtianism, always vents its collective conscience. She writes, concerning the connection between Holocaust denial and the Far Right:

As long as fascism could be linked with Nazism, and Nazism, in turn, could be linked with the horrors of the Final Solution, then both would remain thoroughly discredited. There were those, however, who were not willing to abandon these political systems. They knew that the only means of trying to revive them would be to separate them from the Holocaust and the multitude of atrocities that accompanied it.

Only minimal substitution is necessary:

As long as socialism could be linked with communism, and communism, in turn, could be linked with the horrors of the Red Terror, then both would remain thoroughly discredited. There were those, however, who were not willing to abandon these political systems. They knew that the only means of trying to revive them would be to separate them from the Soviet Union and the multitude of atrocities that accompanied it.

Now it simply will not do to allow the crimes of Stalin (and Mao, Pol Pot, etc.) to serve as the *reductio ad atrocitas* of class ideology the way the crimes of Hitler do of racial ideology. Nor can we have Old and New Leftists becoming the kind of social pariahs that paleo- and neo-Nazis are. And so the history of applied Marxism is subjected to denial by disregard.

Benefits of Victimization

Clearly a certain amount of the "political advantage" is collected by America as a whole, which can commemorate the atrocity it helped to end (in the "good war"), while forgetting those it did or could do nothing to stop, not even to speak of those it might have perpetrated. But by far the biggest cut goes elsewhere: When the Holocaust becomes history's greatest victimization, then the Jews become history's greatest victims. I shouldn't have to explain the benefits that accrue to that status in the present age. On

one end, it has secured the Jews against religious fundamentalism (of the non-Jewish variety) and racial nationalism (of the non-Zionist kind). The Pat Robertsons and the Pat Buchanans watch their tongues (even though, perhaps predictably, that still fails to mollify the Alan Dershowitzes). And on the other end, it holds to a standard a Left that otherwise holds to no standard but the double standard.

Consider the example of Louis Farrakhan. For years he spewed with impunity his poison at "white people." The charge of "reverse racism" was as ineffective against him then as it is against affirmative action now. But when he spun to aim his venom at "the Jews"!

We may similarly note the observation of Shermer and Grobman: "Ironically, it is with issues such as Holocaust denial that all discussion of historical relativism ends. Ask deconstructionists if they think that the belief [that] the Holocaust happened is as

When the Holocaust becomes history's greatest victimization, then the Jews become history's greatest victims. I shouldn't have to explain the benefits that accrue to that status in the present age.

valid as the belief that it did not happen, and the debate quickly screeches to a halt." Above all, this status operatively suppresses a latent Meinhofian "Jews with money" rage at a time when the Jews more than ever fail to conform to the Left's profile of "victims." Hence Mr. Dershowitz: "It is important to recognize that American Jews — even those whose families left Europe before World War II — are themselves vicarious survivors of the Nazi Holocaust." Who can doubt it?

This would appear to be the appropriate moment to mention yet another 20th-century atrocity, one that has received virtually no acknowledgement at all, its history not merely forgotten but mostly suppressed — with the Lipstadrians leading the effort. In *Denying the Holocaust*, the word

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"Gypsies" can be found but once, on p. 174, and it is only on p. 179 that we may read of the Nazis "using 'gas chambers' to kill millions of Jews and other 'undesirables'" — when Lipstadt quotes David Irving. We have come to the one question never studied in all the Holocaust studies courses: Why are Hitler's non-Jewish victims not part of "the Holocaust"? Why have the 5 million (the popular figure) become not even a footnote? How many people familiar with Hitler's infamous remark about the Armenians know that it was part of a statement calling for the wholesale slaughter not of Jews, but of Poles?

For her part, Lipstadt the legalist does not even serve up a helping of her stomach-turning distinctions for an answer — which makes sense since, again, there is no asking of the question. But then, what could she possibly say that would explain the absence of, not merely "equivalence" (which would here too be "immoral"?), but

remembrance? Whether or not there is an answer to that question, the keepers of the flame are determined that "the Holocaust" remain, in Lipstadt's words, a "tragedy of civilization in which the victims were Jews" — and no one else.

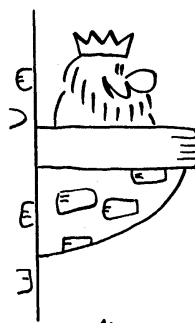
Which finally leads us to ask: What, then, of that resounding cry of "Never again!?" If not one of the other tragedies of civilization constitutes another "again," whatever possibly could? For decades, we have been told that the Holocaust is a horror so unparalleled in history (and in its implications about the nature and moral status of humanity) that no one dare speak of other "events" in the same breath — with the result being that now no one speaks of them at all. Even those who perished alongside Jews are among the consciously forgotten. History discarded is history denied. As we weigh the Irvings against the Lipstadts, can there be any doubt whose is the greater guilt? □

Letters, from page 46

It seems to me that many of these people and organizations who ostensibly want to encourage immigration and help Mexican immigrants (who obviously make up the vast majority of our increasing population) are the very forces which hinder their progress in this country, which has the secondary effect of creating many of the social problems (overcrowding in the schools, overuse of our resources, and crime) observed in California. One example is the deranged position of the Roman Catholic Church with regard to birth control, which promotes high birth rates that add even more misery to the already overcrowded conditions in which many of these immigrants live. (Since I live in California, I see it firsthand.) Then there is the bulwark of Chicano groups and reactionary white "liberals" who promote multiculturalism while at the same time arguing their open border policy by using the "we are a nation of immigrants"

mantra while ignoring the fact that in times past, *assimilation* was the norm, whereas today, ethnic identity — to the point of not learning English — is promoted through their statist "bilingual" taxpayer-funded services. Simply put, the idea seems to be: Bring a bunch of people up here; teach them that they are not smart enough to learn English — or tell them they're selling out their culture if they do; keep them at poverty wages; encourage high birth rates, thus making sure they remain overcrowded and undereducated; then pretend that this is all for their benefit.

Bill Clausen
Santa Barbara, Calif.



May

"Don't knock the recession — It keeps out illegal aliens out, doesn't it?"



Conservatives, from page 33

lent and accessible book to share with egalitarians that makes this point is Mancur Olson's final book, *Power and Prosperity*.

Given their keen interest in personal morality, members of the religious right will refuse to work with libertarians if the latter insist that libertarianism is a social as well as a political philosophy. Few members of the Religious Right will work with allies who are openly gay or who support abortion on demand. But this isn't a one-way street. Libertarians who agree to limit their contribution to political principles can rightly insist that members of the religious right drop from their agenda any public policies that would force others to adopt particular values or involuntarily fund plans based on the religious right's idea of the good.

Conclusion

Given the nature of politics today, it is unlikely that enough libertarians will be elected to state and national offices in the near future to affect public policy. If we want to have influence there, we must become numerous enough to challenge the ability of Republicans and Democrats to get re-elected, or we must influence the views of those elected officials who are sympathetic to our perspective. Both routes should be pursued, though only the second is addressed in this essay.

Liberal critics of conservatism, libertarianism, and the religious right frequently point out the differing values and ideals of the three movements and confidently predict the collapse of their alliances. Conservatives, libertarians, and

members of the religious right often give credibility to such predictions by periodically storming out of coalitions.

The secret to coalition building is making sure that everyone who enters the coalition is aware of areas of agreement and disagreement and agrees to focus on the former and avoid the latter. In this particular case, this means libertarians know their social philosophy is at odds with most of their coalition-mates, but their political philosophy is ideally suited to fulfill the other groups' needs. Conservatives and members of the religious right know the "price" of obtaining a set of workable political principles is the absence from the coalition's agenda of any public policies that rely on the initiation of force.

The Chicago Conservative Coalition, which prompted many of the insights in this essay, is a modest project involving a dozen organizations. The groups were brought together in desperation, because each was unsuccessful in getting its issues taken seriously by the state's elected officials. It's off to a promising start, but I do not believe the validity of the observations appearing here depend on the success of the CCC.

If economic historians such as Robert William Fogel are correct, the next 20 years will see sweeping changes in public policy on a scale not seen since the 1930s. It is largely up to us — we few libertarians active today — whether that reform agenda will reflect libertarian or statist values. Working with conservatives and the religious right, I am convinced, is the best route to building a broad-based social movement in support of ideas that empower people by limiting government. □

PATRIOTism, from page 20

bined with enhanced executive discretion becomes extremely dangerous. Attorney General John Ashcroft recently said, "To those . . . who scare peace-loving people with phantoms of lost liberty, my message is this: your tactics only aid terrorism, for they erode our national unity and diminish our resolve. They give ammunition to America's enemies and pause to America's friends." Recently, Senate Majority Leader Tom Daschle criticized President Bush's proposed expansion of the war against terror. In response, Senate Minority Leader Trent Lott accused him of undermining the unity of the nation.

Patriotism and unity are important in times of crisis, but they should not be a substitute for the democratic process that produces good policy. Of course, there is always tension between order and liberty: Some order is necessary to create the conditions for liberty, but too much order can endanger liberty and even order itself. Before Sept. 11, traditionally leftist groups, like the ACLU, aligned themselves with traditionally rightist groups, like the NRA, to oppose versions of the 1995 and 1996 legislation. Ominously, since Sept. 11, fewer voices of dissent, constructive criticism, and honest questioning have been heard (with the ACLU being a notable exception).

Dissent is a fundamental value of this country — one the terrorists hate. We must be careful to uphold the value of free speech, especially in times of crisis. Even conservative columnist William Safire, and Republicans such as Georgia

Congressman Bob Barr and Pennsylvania Senator Arlen Specter objected to the military tribunals. Criticism of U.S. policy is necessary, healthy, and desirable. Now our own government is promulgating secrecy of names of detainees, of evidence against aliens detained, in withdrawing government documents from libraries, in secret searches of homes or your Internet activity. The chief weapon against such secrecy is the disinfectant light of dissent.

The issue transcends proper balance between order and liberty. Our policies must also be effective. The dismal reality is that none of these new measures would have prevented the attacks on Sept. 11. To the extent that the measures alienate those best situated to provide intelligence on al Qaeda, or provide too much information to effectively sift through, they will be counterproductive. "Feel-good" measures play to politicians' desires to be seen as "doing something." But can any measure that upsets the balance between security and liberty by going so far that it undercuts our core values and societal identity truly be considered "effective"?

A closed and repressive society, intolerant of "alien" people and ideas, is precisely what the al Qaeda terrorists want us to become. By thoughtlessly moving our society in that direction, especially without clear corresponding benefits, we give the terrorists the most significant victory they are likely to achieve in this war. Strong dissent aimed at preserving and restoring liberty is the best route to victory for freedom and democracy. □

New York, N.Y.

High-powered etiquette for the 21st century, reported by the *South Florida Sun-Sentinel*:

"Three members of hip-hop diva Lil' Kim's entourage were arrested Friday on charges of allegedly firing 15 rounds at an unarmed Brooklyn man because he was talking too loudly on his cell phone, police said."

Ashland, Ore.

Horticultural note in the *Seattle Times*:

A man facing a 20-year sentence for growing marijuana in his house got off with probation Monday because the plants were in such bad condition.

New South Wales, Australia

Interesting lexicographical note from Down Under, from the *ninemsn*:

"New laws giving shopkeepers the right to protect themselves and their property would promote vigilantism, a civil liberties group warned."

Amsterdam

Consumer activism in the European Union, from a dispatch to the *Chicago Tribune*:

"A gunman apparently upset over the quality of wide-screen televisions took as many as 40 hostages Monday in the tallest building in the capital, the former headquarters of Philips Electronics. . . .

"In a statement faxed from the office tower to NOS state television, the gunman said he was protesting the 'arrogant manipulation by the vendors of wide screen television' and complained that consumers were being misled about the quality of the product."

Plantation, Fla.

Demonstration that the Bible remains as relevant today as it was when it was written, from a reader of the *South Florida Sun-Sentinel*:

"Gore supporters are going to court to change the state election laws and rightful authority of certain branches of government in an effort to burn G.W."

"Those of us who believe in the rule of law and the Bible can take some refuge in the belief that at times in the past the creator is said to have come down to Earth in the form of a burning bush."

Port Arthur, Tex.

Curious educational development, from the *Beaumont (Texas) Chronicle*:

The Port Arthur school district has canceled all further performances of an anti-violence play after fighting broke out among the 300 high school students watching it.

Knoxville, Tenn.

Unanswered questions in the University of Tennessee's *Daily Beacon*:

"Weren't all of the alleged 'hijackers' using fake IDs? If so, how do we know who they really were/are? (I doubt that there were any 'hijackers' on the planes.) Did cellular phone calls appear on the phone bills of any passengers on any of the planes? If not, why not?"

Washington, D.C.

Note on the role of consumers in today's economy, from a report by the Associated Press:

"Gasoline would have much more corn-based ethanol under an unusual compromise among environmentalists, oil companies and farmers."

Glencoe, Scotland

Evidence of the progress of detribalization in Great Britain, as reported in the *Daily Record*:

The clan MacDonald is protesting the appointment of Roddy Campbell to head the Glencoe Massacre visitors' center, memorializing the murder in 1692 of 38 MacDonalds by the clan Campbell. Said highland historian Hector MacDonald, "Don't get me wrong — I have nothing against the Campbells, but I wouldn't stay a night in the company of one."

San Francisco

Uplifting remarks of famed pornographer Larry Flynt at the opening of his new strip bar, the Hustler Club, quoted in the (San Francisco) *Chronicle*:

"I want to get this business out of the gutter. There's a difference between style and class. We want this club to be about class."

Pembrokeshire, Wales

The effects of sensitivity training among the Cambrian outdoorsmen, in the *Western Mail*:

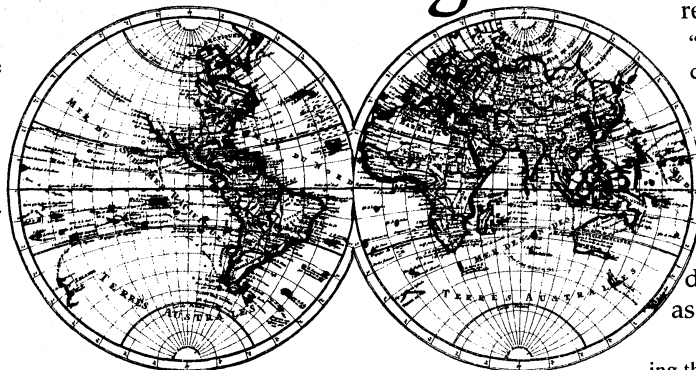
The Pembrokeshire National Park committee is voting on whether to ban memorial benches because they may depress walkers.

Port Townsend, Wash.

Progressive legislative proposal from a distinguished City Council, as reported in the estimable *Jefferson County Leader*:

Mayor Kees Kolff and Deputy Mayor Frieda Fenn told the press that the Port Townsend City Council would enact a "formula store ordinance" designed to "regulate even the menus and uniforms worn by employees of chain stores so that they don't look identical to other locations elsewhere." Deputy Mayor Fenn said that it would be "unfair" to enact the measure in time to authorize it to prohibit a Domino's Pizza, currently under construction, from selling pizza or using the Domino's logo on its uniforms.

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3. The 'You Can't Win'

Argument: "If the Libertarian could win, I'd vote for her. But she can't win."

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