

Liberty

November 2002

\$4.00

The Politician Who Spit on the Press

On the Road With America's Most Honest Politician

by Tim Slagle

Burying the Truth: The Case of Kennewick Man

by Timothy Sandefur

How Fat Are We?

by Randal O'Toole

Shakedown in Johannesburg

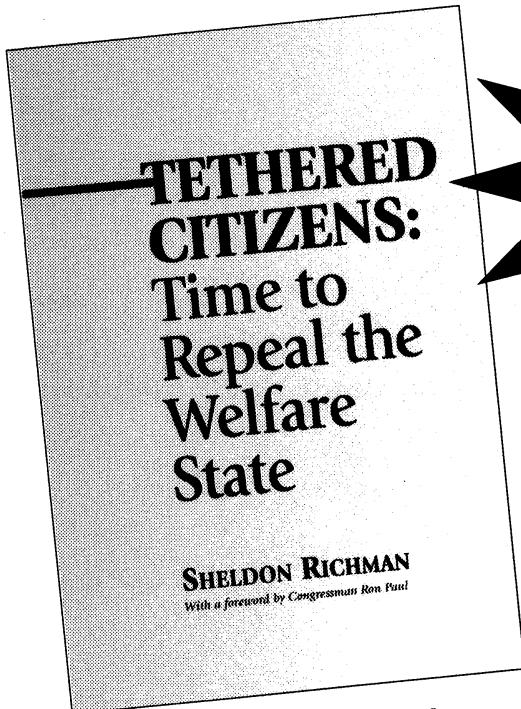
by Robert H. Nelson



Also: Ted Roberts wonders why the rules that apply to Microsoft don't apply to Campbell's Soup, Jane S. Shaw peers into the soul of a brilliant economist, Richard Kostelanetz visits New York's literary neighborhoods, R. W. Bradford investigates the continuing crisis in the Libertarian Party . . . plus other articles, reviews & humor.

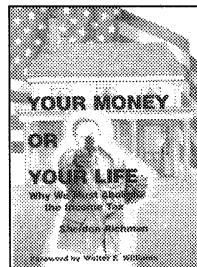
"The way to secure liberty is to place it in people's hands." —John Adams

Order FFF's newest book,
Tethered Citizens: Time to Repeal the Welfare State
by Sheldon Richman



150 pages
\$24.95 cloth
\$15.95 paperback

... and get the
cloth edition of
Sheldon's book
about income tax,
Your Money or Your Life,
for only \$10.



"Sheldon Richman has produced a book that is essential reading for any American wishing to understand how the welfare state is incompatible with constitutional government and a free society."

— Congressman Ron Paul

order on our website
www.fff.org

order on our website
www.fff.org



ORDER NOW!!

Check made payable to FFF
 Charge my VISA or MasterCard

Exp date: _____

Name _____

Address _____

Mail this ORDER FORM to:
The Future of Freedom Foundation

11350 Random Hills Road, Suite 800, Fairfax, Virginia 22030
(703) 934-6101 Fax: (703) 352-8678 email: fff@fff.org
www.fff.org

QTY	BOOK TITLES	PRICE	TOTAL
	<i>Tethered Citizens</i> (cloth)	\$24.95	
	<i>Tethered Citizens</i> (paper)	\$15.95	
	<i>Your Money or Your Life</i> (cloth)	\$10.00	
Subtotal add 10% for shipping			
My Tax-Deductible Donation to FFF			
TOTAL			

R.W. Bradford
editor & publisher

Stephen Cox
John Hospers
Jane S. Shaw
senior editors
Brian Bartels
David Boaz
Alan Bock
Douglas Casey
Eric D. Dixon
Brian Doherty
David Friedman
J. Orlin Grabbe
Bettina Bien Greaves
Leon T. Hadar
Gene Healy
Robert Higgs
Bill Kauffman
Dave Kopel
Bart Kosko
Richard Kostelanetz
Loren E. Lomasky
Sarah McCarthy
Wendy McElroy
William E. Merritt
Robert H. Nelson
Randal O'Toole
Ross Overbeek
Durk Pearson
Dyanne Petersen
Bruce Ramsey
Jeff Rigganbach
Scott J. Reid
Sheldon Richman
Timothy Sandefur
Sandy Shaw
Tim Slagle
Fred L. Smith, Jr.
Martin M. Solomon
Clark Stooksbury
Thomas S. Szasz
Martin Morse Wooster
Leland B. Yeager
contributing editors
Elizabeth Merritt
managing editor
Kathleen Bradford
assistant editor
John Bergstrom
Keith Knight
S.H. Chambers
Rex F. May
cartoonists/illustrators
Jon Kalb
computer consultant
Jim Switz
associate publisher
James Barnett
editorial intern

November 2002

Volume 16, Number 11

4 Letters Our readers set us straight.

7 Reflections We watch our words, ponder reparations, demand reparations for the St. Bartholomew's Day Massacre, celebrate Rosie the Rubblesifter, visit the Twilight Zone, and kick up our heels and dance!

Features

19 On the Road With Ed Thompson A trip across Wisconsin with a guy who owns a bar sounds like a dream come true to *Tim Slagle*, even if the guy is running for governor.

23 Independent in Virginia *Ken Sturzenacker* samples the food on the campaign trail of Virginia's independent Senate candidate.

24 Beyond the R's and D's It may be a dull off-year election, observes *Chester Alan Arthur*, but you wouldn't know it looking at these campaigns.

27 Ms. Coddington Goes to Wellington *Deborah Coddington*, a widely-read libertarian journalist, was just elected to the New Zealand Parliament. She had a lot to say in her maiden speech.

29 Science vs the State: The Case of Kennewick Man A Federal District Court has rejected Bill Clinton's attempt to destroy important evidence of early man in America. But, *Timothy Sandefur* reports, it cannot undo the politically-motivated destruction of an important archeological site.

31 How Fat Are We? Is America's obesity "crisis" the result of fast food? Or of fast and loose manipulation of statistical data? *Randal O'Toole* weighs the evidence.

35 Shakedown in Johannesburg Ostensibly, leaders of all the world's governments came to the World Summit on Sustainable Development to solve global problems. But, *Robert H. Nelson* discovers, they actually came to put their noses in the feedbag.

37 Regulator, Unbundle Thyself What do you get when you mix a computer genius, a power-lusting trustbuster and a dim-witted Wall Street Journal editorialist? *Ted Roberts* describes the result.

38 The Party's Over? Is it too late to save the Libertarian Party from its own employees? Not if the party's new leadership can help it, reports *R.W. Bradford*.

Reviews

41 Is the State Dispensable? *Kyle Swan* tries to escape Leviathan with the help of a good book.

44 The Soul of an Economist *Jane S. Shaw* examines the decidedly undismal life of a dismal scientist.

46 Literary Neighborhoods *Richard Kostelanetz* loves New York enough to review books on two of its most fecund neighborhoods.

48 Prophet of Liberty *Martin Morse Wooster* outlines the man who kept liberty alive among conservatives.

50 Booknotes

❖

45 Notes on Contributors The buck starts here.

54 Terra Incognita The truth is out there.

About Your Subscription

Q: When does my subscription expire?

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

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

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

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

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

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

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

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

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

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

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

A: Yes; send your communications and queries to us at circulation@libertysoft.com

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

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

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

Letters

A Waste of Energy

After reading the articles about the Libertarian Party convention (September) about all the political squabbling at the LP convention, I only have this to say: too many libertarians waste their time and energy on endless debate and petty personal battles that could be better spent advancing the cause of freedom. I prefer to fight the fascists and not my fellow libertarians.

Paul Talbott
Minneapolis, Minn.

NOTA vs the LP

The account of *Liberty* being denied press credentials promised by party officials for the last Libertarian Party national convention was very informative.

Earlier this year the promising ideas in the LP's new strategic plan caused me to think about rejoining the party. The continuing bad behavior of high party officials shows me that the LP is still likely to be a waste of time and money. For now I'll continue to vote "None of the Above" with my resources and stay out of the LP.

Martin L. Buchanan
San Diego, Calif.

What a Party!

I have belonged to the Libertarian Party for 20 years and run for California State Assembly as its candidate. I have never been ashamed of being a member of the Libertarian Party. At least not until I read that my party's communication director, Bill Winter, refused *Liberty* press credentials for the annual convention.

Do I want these people running the country? I'm no longer sure. Words like "petty," "vindictive" and "small-minded" don't bring enough emotional energy to this ridiculous development. The funny thing is that I was ready to bury the hatchet vis-a-vis the Harry Browne-funny-money escapades of the campaign and the national party. I fig-

ured they were just misguided acolytes that were so sure Harry was the best thing to happen to the Party that they felt any financial impropriety in the cause of Harry's campaign was no vice. Now I'm back to seeing them as a bunch of slick scam artists that need to be purged, exiled, and forever banished from our midst. How could Winter do something so self-defeating? They aren't even good at being sleazy. They invite Harry Browne and exclude the premiere publication of libertarian thought. What were they thinking? Were they thinking at all? Or were they "just following orders" from *übermeister* Browne? I'm surprised Ed Crane didn't hurl chunks right on stage. I bet he's glad he pulled out when he did.

Five years ago Michael Cloud, Willis, Bergland, Ayres, Winter, Harry Browne, and the rest of the Washington smoothies descended on the 1997 California Libertarian Party Convention in Sacramento and pitched the "Unified Membership Plan." Just send all the money to Washington and the real professionals will revolutionize the party overnight. Two hundred thousand members by 2000. Millions and millions of dollars, all spent on hard-hitting TV ads. Just let Harry and his cadre do all the thinking. And don't worry, they'll send a little of the tribute back to the state and local parties. Now, what's the reality? Reduced voting totals. Shrinking membership. Millions of dollars raised, all right, but all spent on those professionals' perks and perquisites. And a scandal that actually justifies the existence of the Federal Election Commission, because without its reporting requirements we never would have figured out how corrupt things were getting. What a disgrace. What a pathetic disgrace.

I came to love *Liberty* magazine seven years ago after trying out an issue or two. I think I saw an ad for it in *Reason* magazine. I guess that makes *Reason* a gateway drug. The entire time

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

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

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

Opinions expressed in *Liberty* are those of the authors and not necessarily those of the Liberty Foundation. Copyright © 2002 Liberty Foundation. All rights reserved.

it has been obvious that integrity and accuracy is paramount to the editors. It was also obvious that Bradford *et al.* were not only small-I libertarians but also supported the Party. They were especially supportive of Harry Browne. Even in the midst of the scandal, with Jacob Hornberger screaming like a castrated goat, *Liberty* went to enormous lengths to provide evenhanded and fair coverage to all parties.

And the thanks for this level of professionalism is to be banished from the Libertarian Party National Convention. I know that R.W. Bradford was a friend of Harry Browne and that *Liberty* did as much as anyone to help promote him. You can be sure that on July 4, 2002 there were a few broken hearts in Port Townsend that got broken even more. Happy Independence Day from the fascists in the Libertarian National Party. Give them a lever long enough and they will ram it up our ass and shake all the money out of our pockets while making snide jokes about what yokels we are.

I really don't know what to do. My first instinct was to write the Libertarian Party a letter explaining that I was dropping out after 20 years and that I would be supporting my local and state parties directly. I could still be registered as a Libertarian. At least they can never take that away from me. But ironically, it was the articles in *Liberty* about the convention that softened my attitude. Maybe Bill Winter was having a bad day. Maybe his days will get worse when the new leadership hands him his head on a plate. No, they'll still get my 25 bucks. But that's all they'll get until I see every one of the smoothies forever expelled from the national party leadership.

Paul Rako
Sunnyvale, Calif.

In Defense of Secession

In your September issue Edwin

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.

Krampitz Jr., commenting on Timothy Sandefur's article "Liberty and Union" in the July issue, makes the statement that "The South simply grabbed federal property and public works without offering compensation that might have gained it sympathy in the North." This is totally false. On Feb. 25, 1861, within a week of his inauguration, President Jefferson Davis, pursuant to a resolution of the Confederate Congress, appointed a commission of three eminent citizens to go to Washington with plenary authority to negotiate both payment for U.S. property within the Confederate States and the assumption of their fair share of the U.S. national debt. This commission consisted of A.B. Roman of Louisiana, a Whig and former governor of his state; Martin J. Crawford of Georgia, a states-rights Democrat and former U.S. congressman, and John Forsyth of Alabama, a Constitutional Unionist and former U.S. ambassador to Mexico. The Lincoln administration refused to receive the Confederate commission, but Secretary Seward did communicate disinformation about Fort Sumter to it through Justices Nelson and Campbell of the U.S. Supreme Court.

Also in the September issue Paul Kelly asserts that "The fugitive slave act (which Lincoln supported in his inaugural address) had been declared constitutional (Dred Scott) and was being enforced throughout the North." This is also false. Northern states — Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Illinois, Indiana, Michigan, Wisconsin, Ohio, and Iowa — were passing "Personal Liberty Laws" which prohibited "the rendition of fugitives from service." In doing so they were nullifying not only a federal statute but an article of the Constitution itself. The state of New York prohibited even the right of transit for a recovered slave. In 1854 the Supreme Court of Wisconsin declared the fugitive slave law unconstitutional. The state legislature declared in 1859 that if the U.S. Supreme Court should overrule the state Supreme Court, Wisconsin's interests might require its immediate withdrawal from the Union. Any libertarian will sympathize with the opponents of the fugitive slave law, but a deal is a deal. The Southern states did not uni-

How to Subscribe to **Liberty**

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

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

You won't want to miss a single issue!

Act Today!

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

Use the coupon below or call:

1-800-854-6991

Please enter my subscription
to *Liberty* immediately!

12 issues (One Full Year) \$29.50

24 issues (Two Full Years) \$56.00

Add \$5 per year for foreign subscriptions.

name

address

city state zip

I enclose my check (payable to *Liberty*)

Charge my VISA MasterCard

signature

account # expires

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

laterally abrogate the constitutional compact, as Sandefur has charged. The terms of the bargain had already been violated by the Northern states, and hence it was no longer binding on the Southern, either legally or morally.

David Mayer leaves me baffled when he asserts that "Moreover Lincoln was right in arguing, as he did in both his First Inaugural Address and in his special message to Congress on July 4, 1861, that 'the Union is older than any of the States, and, in fact, it created them as States,' and that 'no one of our States except Texas ever was a sovereignty . . .'" Lincoln seems to have been confused about the locus of sovereignty. It resided in the peoples of the various states, not in the state governments. To call the association of October, 1774, a "Union" is preposterous. All 13 peoples of the various states were sovereign, though they delegated some of the attributes of their sovereignty to state governments and others to a federal government. They created the "Union," i.e., the federal government, through the process of ratification. It took place in the context of the social contract theory of the time. It was an agreement among the sovereign peoples of the 13 states. The proposition that "the Union is older than any of the States, and in fact created them as States" does not succeed even in being wrong. It's totally meaningless. Lincoln was what Ayn Rand called a "mystic of muscle." Only "the Union" rather than "society" was the great hypostasized abstraction to which he was willing to sacrifice real human beings — by the hundreds of thousands. In the space of his personal mythology it performed mighty deeds. At the same time he kept God around to relieve him of responsibility for his acts, as his Second Inaugural shows.

Wayne J. Holman III
Glen Ellyn, Ill.

Render Unto Caesar

R.W. Bradford's "Living with the War on Terror" (October) analogy comparing faith in the state to faith in God may hold for many people. But not for those you call the faithful. At least not the Christian faithful.

We don't view the transaction as a trade-off of faith, prayer, and money in exchange for protection from calamities. At least not the calamities you are

referring to. Only the big one at the end.

Jim Printz
Decatur, Ala.

The Other Ground Zero

While reading R.W. Bradford's intelligent "Living with the War on Terror" on the aftermath of Sept. 11, I became distracted by the remarkable assertions that (a) the Pentagon was probably not the intended target of the terrorists who hijacked Flight 77 out of Dulles, and that (b) it is likely that passengers or crew aboard Flight 77 fought back, thereby forcing the terrorists to crash into the Pentagon rather than their original objective. I say that these assertions are remarkable because Bradford's article is the first and only place I have ever seen these possibilities raised.

I live near Washington, D.C., a city teeming with potential terrorist targets. There is no question that the destruction of such landmarks as the Capitol, the White House, or the Washington Monument would have great symbolic and psychological impact. There is every possibility that Flight 11 out of Newark, which crashed into a field in Pennsylvania, was indeed headed for one of those structures. However, not only is the Pentagon also a powerful landmark, it is one of the largest office buildings in our Metropolitan area, so the idea of it being a primary target is far from inconceivable.

Almost all of the victims aboard Flight 77 and at the Pentagon were local residents, with family and friends left behind. If, in fact, it has been deemed likely that some of the people aboard Flight 77 managed to fight back, I should think this news would be of great comfort to their families and friends, not to mention that it makes for great propaganda. Therefore, while I acknowledge that our local press is not always reliable, I would still expect to have seen such a revelation covered extensively in the pages of the *Washington Post*. That has not been the case. Instead, apparently, I must rely on a magazine published a continent away — a magazine, for all its erudition, with rather limited circulation, for this news. I am thus compelled to ask — Mr. Bradford, please cite your sources.

W. Luther Jett
Washington Grove, Md.

Bradford responds: I did not make the first assertion that Mr. Jett ascribes to me. I wrote that "it is doubtful that the Pentagon was their [the hijackers'] intended target," which is substantially different from saying that it was "probably not the intended target."

And I made the second only in a much more qualified way: I wrote that in the case of Flight 77, "it seems fairly likely" that "the people aboard reacted [to learning of the WTC crashes] by attacking the hijackers . . . causing the plane to crash into what was, at most, a secondary target."

On what do I base these speculations? While I agree with Mr. Jett that selecting the Pentagon as a primary is "far from inconceivable," I think it would not be the terrorists first choice. We can be reasonably certain that the WTC towers were chosen as targets for two reasons: (1) in the warped minds of the terrorist lunatics, the WTC somehow symbolized America and all its wickedness, and (2) they wanted to kill as many people as possible. If they hadn't wanted to maximize the number of people they murdered, they could just as well have attacked at night, when far fewer people were in the WTC.

True enough, as Mr. Jett points out, the Pentagon is a "powerful landmark" and "one of the largest office buildings" in the city. But it is also only five stories high and is spread over 34 acres. To do damage to the Pentagon comparable to the damage at the WTC would require crashing hundreds of planes into it. A single plane crashing into it could cause relatively little property damage and loss of life. And while the Pentagon undeniably has some symbolic value, the nation's capital has many other buildings that have greater symbolic value. Mr. Jett lists some of those better targets.

So what target would the terrorists choose? One with modest symbolic value at which an attack will kill relatively few people and do relatively little property damage? Or one with much more symbolic value at which an attack will kill more people and do more property damage?

Of course, I was speculating here, as I tried to make clear. No one knows what happened on Flight 77. But we do know that people on board knew about

continued on page 51

Reflections

Triumph of the chicken hawks — As each day passes, the drumbeat for war with Iraq grows louder. The main drummers — Bush, Cheney, Gingrich, Wolfowitz, Pipes, Lott et al. — all have one thing in common: they conveniently missed active duty service even though they were draft age — dying age — during the Vietnam War. Some got married, others hid in the Guard, and still others got a neat letter from their family doc who swore they were bedwetters or claimed some other equally serious draft-dodging disability. Amazing that they are all now super hawks. Maybe they should serve as the point assault squad before our main force hits the Iraqi beaches. — David Hackworth

Tour de snail — In the post office today, an unremarkably long line gave me the time to speculate on their management and marketing practices. Staring down at me from the wall was a life-size poster of USPS spokesperson Lance Armstrong. It occurred to me how typically federal the decision to hire this man as their spokesperson really was. While other shipping companies sponsor race cars that set speed records and paint their logos on the sides of jet planes, the U.S. Postal Service hires as their representative the detestable winner of a French bicycle race. — Tim Slagle

Eerie parallels — In 1914, Archduke Franz Ferdinand, heir to the throne of the Austro-Hungarian Empire, and his wife Sophie were assassinated by a Slavic terrorist named Gavrilo Princip who wished to liberate his nation from Austrian control. Serbia was justly accused of providing the equipment and training that facilitated the assassination. Austria's response: if you can't control your terrorists, we'll control them for you. This led immediately to the global cataclysm of World War I and the attendant loss of millions of lives. — Wendy McElroy

The crimson ride — Visitors to Alabama may welcome a warning about our traffic rules — not rules written in the statute books but ones observed in practice. When a traffic light turns red — and I mean red, for who cares about mere yellow? — the message conveyed is: "Hurry up. You have only a couple of seconds." I have seen two and even three cars go through an unambiguously red light.

A stop sign means: "Stop if you feel like it." And who could be expected to feel like it if stopping would queer your chances of beating the oncoming traffic through the intersection?

What about signaling turns and lane changes? My colleague Roger Garrison, an expert on all cars and collector of classic cars, reports that the last item of dealer preparation before delivery of a new car in Alabama is disconnection of the turn signals. Garrison may be exaggerating, but he makes a point. Only an apparent minority of Alabama driv-

ers signal correctly. Among those who use signals at all, many treat them as mere adjuncts to the steering apparatus, to be used simultaneously with but not before an actual turn of the wheel.

— Leland B. Yeager

My heroes have always been government employees — Who are the heroes of Sept. 11? According to the postal service, only government employees need apply. In its stamp to honor the heroes of Sept. 11, the postal service honored only the police and firemen who died in the terrorist attack. This seems a curious choice: police and firefighters were doing their jobs. They were paid

If dying while doing one's job makes one a hero, why not honor the sales lady who slips on the floor, clunks her head on a piece of furniture and expires?

premium wages to face danger in the protection of life and property. If you honor them as "heroes," why not honor the other people who died in the attacks while doing their jobs? Why not honor everyone from the window washers and janitors to the bond traders and executives? After all, they too were doing their jobs when they were killed.

This logic may not satisfy those who think the matter through. After all, if dying while doing one's job makes one a hero, why not honor the sales lady who slips on the floor, clunks her head on a piece of furniture and expires? Why not honor the office boy who is run over by a drunk driver while taking his boss's laundry to the cleaners? For that matter, if you are going to honor that office boy, why not honor some fellow worker who gets hit by a drunk driver while hoofing it over to McDonalds for lunch?

Happily for the families of the victims of the terrorist attack, President Bush hasn't fallen victim to this sort of thinking. He has gone on record as saying that *all* those who died in the hijacked planes on Sept. 11 are heroes, whether or not they were government employees or were working at their jobs.

To my way of thinking, a hero is someone who shows courage beyond the call of duty. By this standard, both the postal service and the president are wrong. The heroes of Sept. 11 were the passengers on Flight 93 who overwhelmed the hijackers and prevented the aircraft from hitting its target. This view is shared by the House of Representatives, which has passed a resolution honoring those passengers. But it doesn't please the families of the victims who did not resist the terrorist attacks. They have organized to demand

that Congress declare all the victims to be heroes.

Winchell's Donuts, on the other hand, has chosen to honor only the cops and firemen. Winchell's offered all "uniformed workers" free donuts on the anniversary of the attack as "a tribute to the heroism and sacrifice of those who lost their lives on Sept. 11."

— R. W. Bradford

Word watch — "Then said they unto him, Say now Shibboleth: and he said Sibboleth: for he could not frame to pronounce it right. Then they took him, and slew him at the passages of Jordan" (Judges 12:6). Let that be a lesson to him. In your next life, learn something about pronunciation.

Every group has its shibboleths — linguistic tests that indicate who belongs to that group, and who doesn't belong. It may not make sense, but the location of the epicenter of the strongest earthquake ever recorded in North America is pronounced New Madrid (Missouri), not New Madrid. If you're so ignorant as to pronounce it New Madrid, you're just proving that you're not a Missourian, or a geophysicist, either. It may not make sense, but the word



"err" is pronounced like the name of the city in ancient Sumer, not like the name of the stuff you're breathing. It's *ur*, not *air* — and no, I'm sorry, the way one pronounces the first syllable of "error" is irrelevant to the case.

Of course, only purists care about things like this; but that just means that purists are the only ones worth worrying about when you're pronouncing words. Would you rather identify yourself with them, or with the slouches who sound the last letter in "Mackinac"? I'm sure you see my point.

The really important shibboleths, however, are tests of insight and knowledge, not of pronunciation. If you use "democracy" as a synonym for "republic," you betray yourself as one of those Americans who know precisely nothing about the nature and history of America's form of government or the problems that have perennially afflicted it. Most of these people are allowed to vote, I believe, but that's a pity, because they're on the wrong side of the intellectual Jordan.

Does it matter? Not to them, of course. It's possible, though, that the decline of the American educational system can be measured in terms of the neglect of shibboleths. The thing about a shibboleth, after all, is that the people who fail the test don't even know that they're being tested.

For a long time, we've witnessed commentators on the American judiciary, some of them jurists themselves, lamenting the fact that the Supreme Court seems "disinterested" when it comes to such and such an issue. These people are blissfully unaware that disinterestedness — i.e., a lack of "interest" in the sense of personal investment, involvement, concern, or bias — is exactly what judges are supposed to have. It's a hell of an intellectual who doesn't know that there's a distinction between "disinterested" and "uninterested." It's a hell of a school system that can let him escape without knowing it.

About 20 years ago, Americans lost the verbal ability to distinguish bag "ladies" from real ladies, and the chronically "homeless" (i.e., bums) from the unfortunate people who are temporarily in need of housing. During the recent search for the guy who kidnapped two people from a lover's lane in Lancaster, Calif., a cop told national television that he didn't yet have a specific description of "this gentleman." Sure. Your grandfather and the president of the bank and the

rabbi down the street and the guy lurking in the alley to hit you on the head and steal your money: they're all gentlemen, every one of them. And this is a policeman talking!

Now let's think about profanity. Nothing wrong with it, so long as you put profane words in profane places. The problem starts when people don't even know that they're dealing with profane words. Is it a defect in sex education, or merely in manners, that "suck" and its derivatives now raise their heads unblushingly in every conceivable context? "Mommy! This porridge really sucks!" No, don't tell me it's the same thing that happened to "rock 'n' roll." Do I have to explain this to you?

But more embarrassing events have been preparing. On July 29, Howard Fineman, one of the nation's preeminent political reporters, appeared on MSNBC's preeminent interview show, *Hardball*, and discussed the willingness of Democratic Sen. John Kerry to get "down to the shorthairs" with President Bush about his military policies. It was obvious that Mr. Fineman, albeit a grownup, had no idea what he was saying.

Neither had the announcer for MSNBC's rival, Fox News — and her sin was even more serious than Fineman's assault on the barrier between the profane and the bland. But I have to lead up to this one. Here goes.

You've noticed how many people have taken to using the derogatory term "infamous" to refer to something that they actually mean to praise. Today I overheard a fellow patron of my neighborhood coffeehouse directing an out-of-towner to "San Diego's infamous zoo." I'm sure he didn't mean that there was any infamy, any ill-fame or opprobrium, associated with the city's principal tourist attraction. (Old San Diego joke: "There are two things to do in this town: see the zoo and join the Navy.") This notion of the city's character is confirmed by a newer saying, just as apt: "San Diego is as far west as the midwest goes.") I'm sure that the helpful citizen was simply and totally ignorant of the fact that "infamous" means something very different from "very famous." Indeed, this is knowledge that he could never have acquired in the course of 17 years of public education.

He was not to blame — no more to blame than the unfortunate Israelite who was apprehended at the Jordan with the wrong word on his lips. But what, I've often wondered, do such people think when they are annually exposed to the news clip of Franklin D. Roosevelt addressing Congress on the subject of "Dec. 7, 1941, a date which will live in infamy"? Do they think he meant "a date which will live in famousness"?

On July 28, the Fox News announcer gave me my answer. Introducing a list of the nine stalwarts rescued from the mining disaster in western Pennsylvania, the newslady burbled joyously, "There are more names that will now live in infamy!" Oh, those evil miners!

What next, I wonder. Will the NAACP start praising people for their magnificent intolerance? And if they do, will the recipients rejoice in their indignity? — Stephen Cox

Anthropological note — In a ceremony late last August, 105 children were buried alive in India — just for a

minute. Evidently the goddesses Muthukuzhi Mariamman and Kaliamman needed some propitiating, and this was just the sort of thing that they go for. The event, called "The Festival of the Pits," is conducted every five years or so, and requires that children, after being rendered unconscious with chemicals and wrapped in burial shrouds, be laid in graves, and then pulled out before they actually die.

It takes a village to raise a child.

— Timothy Sandefur

The geography of reparations — I'm convinced reparations for past injustices are a good idea. I myself am descended from Huguenots who left France following the St. Bartholomew's Day Massacre. My accountants are even now calculating the value of my ancestral properties and accrued interest since 1572. On my mother's side, I have one forebear who was the last Scot to be drawn and quartered by the English. My Scottish nature still suffers from the stigma, and the only cure comes in pounds sterling.

My wife is from Prussia. On her behalf I am investigating possible action against certain peoples of the Warsaw Pact nations and descendants of all signatories to the treaties of Versailles and Yalta to seek restitution for her family's bakery in Bromberg, farm in Schulitz, and house in Schleussen, lost as a result of gross political malfeasance.

Naturally, I want to be fair. I would not consider suing companies, governments, or churches, for fear of wrongly penalizing the innocent, including, perhaps, my own Huguenot cousins who remained in France or converted to Catholicism after the fact, or any of my wife's kin who may have bought stock in the company that took over the bakery. The only fair thing to do is seek out the actual descendants of the guilty parties. Here a problem arises. The St. Bartholomew's Day Massacre was 15 or more generations back from anyone alive today. That's upwards of 60,000 ancestors for each possible litigant. Since I want to be sure I'm collecting from the right people, I must find a way to distinguish the degree of culpable blood in each defendant

Learn at Liberty!

Are you interested in working as a journalist?

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

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

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

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

email: rwb@cablespeed.com

so the bill can be prorated correctly according to the sins of each one's forefathers.

If truth be told, my own 60,000 ancestors present something of a problem. Sixty thousand is the population of Myrtle Beach, S.C., plus the population of Panama City, Fla. There may be some who can look with a serene eye upon the Myrtle Beach and Panama City of their ancestry and say, "All were honest. There is no infidelity in these towns, no extramarital conception, no surreptitious adoption. No Englishman who passed himself off as a Scot. No Roman Catholic who ran off with a Protestant and raised the children as Huguenots. Everyone played by the rules. My blood is pure." Some can, but I can't.

I have been to Myrtle Beach. I have been to Panama City. Not everyone in those towns plays by the rules, and it's hard to conceive of two towns of that size where everyone is honest. My swarthy skin (Mom says we have "Mediterranean blood") may have come from some brown-skinned Highland lass or some sun-baked son of Toulon, but I can't swear it wasn't a soot-stained Englishman or a sin-blackened Roman Catholic.

My proposal is to challenge historians, genealogists, and DNA specialists to join in an effort to draw a true map of the

I'm convinced reparations for past injustices are a good idea. I myself am descended from Huguenots who left France following the St. Bartholomew's Day Massacre. My accountants are even now calculating the value of my ancestral properties and accrued interest since 1572.

entire race of man, one that would fully document the degree of guilt and victimization in each genetic profile. You may think it impossible, but can it be any harder than reading the mind of another to determine his intent? And the courts do this all the time.

I am aware that this ambitious undertaking is fraught with risk. There may be more injustice in my family history than I've reckoned with, and I admit it's likely that some ancestors were victims while others were culprits. Some of us who seek reparations may end up suing ourselves. (If this happens to me, I intend to face it like a man. I will borrow to pay the debt and apply for credit against the judgment.) But how else are we to redress historical wrongs?

The sooner the work gets underway, the better.

— Frank Laffitte

Postmodern hootenanny — While watching some of the televised concerts given to raise funds for the survivors of the victims of Sept. 11, I found myself increasingly engrossed by the actions of the audience. I had noticed this before, but as I can seldom stand to watch these performers beyond a minute or two, my observations have been fleeting. But this time a sense of patriotism obliged me to stay, and I gained an insight, which I had not had before.

It used to be that when pop singers or groups performed, audiences remained silent and listened. I'm not sure how it came about, but somewhere along the way this changed. It was as if a resentment had manifested itself: why should public performance be limited to those few lucky enough to have been born with a beautiful voice tone? Why should performing be limited to the Crosbys, the Comos, the Sinatras, the Streisands? After all, we all want to sing.

From about the sixties on, anybody and everybody began taking to the stage. They didn't have beautiful voices so they made no attempt to sing beautifully; they just wailed, moaned, or screamed, whatever took their fancy. They invariably carried guitars too, which they couldn't really play, but which solicited an indulgence from the audience to judge them by the fair standards applied to those who are jacks of all trades, masters of none. And if you were still missing it, they danced, or rather pranced, the whole time, to make it clear that they were just good old boys or girls having fun. And they didn't dress up either; backyard work clothes were good enough. Nothing stuffy here.

And they carried the game further: forget the Cole Porters, the Irving Berlins, they even wrote their own songs. Of course most of them couldn't do this very well either, so songs became either one line affairs repeated endlessly, or disjointed tirades. But even that didn't matter, because between the wailing, moaning, jumping, and screaming, it was rare that anyone knew what they were saying anyway.

But what proved good for the goose, proved good for the gander: the audiences soon came to realize that these guys aren't much better than we are, why should we leave all the fun to them? And in a peculiar intrusion, they changed their role from spectator to performer.

Today's audiences scream, shout, clap, wave their arms, jump, dance, and have a good-old time. What they do not do is listen. The function of the entertainers is no longer to present their own performance, but rather to lead the audience in a performance of its own. It is an irony that these entertainers who had usurped a stage that they were not really worthy of, have in turn, been reduced to little more than the bouncing ball of a sing-a-long. It was certainly not their intention, but for better or for worse, these performers have brought about the democratization of the art of public musical performance.

— Frank Ricciardione

Who is Jaikie Galt? — I find old books a comfort on long train trips, so recently I was reading John Buchan's 1930 novel *Castle Gay*. Like most of Buchan's books, it's good light entertainment, about how a snotty newspaper publisher, a retired grocer, and two college students defeat a bunch of Communists. But it was only at the end that I realized that one of the college students, who is called "Jaikie" most of the time, is actually named . . . John Galt!

Buchan's John Galt, like Ayn Rand's, is a self-reliant, self-created individualist. But there the similarities end. For one thing, Buchan's Galt is Scottish. Moreover, he's a rugby player.

I've never heard of any evidence that Rand was a Buchan fan, but there's nothing about Buchan's novels that

Rand would find objectionable. I think Rand would have admired Buchan's self-reliance and his anti-communism. And since *Castle Gay* appeared in 1930, it's a book Rand could have read.

So . . . was Ayn Rand a secret John Buchan admirer?
— Martin Morse Wooster

The measure of man — For those of us who respect spontaneous orders, the metric system has always rankled a bit. No one can deny the merits of an easy-to-calculate system of weights and measures. But this one usually arrives by government fiat.

Given this ambivalence, I was somewhat tickled to learn, from *Invention & Technology* (Fall 2002) that the meter is based on a mistake. In "The Mis-Measure of All Things," Ken Alder (author of a new book on the metric system) explains that the goal of the French revolutionaries was — as in everything else — utopian and grandly ambitious. They did not merely want to clean up the mess of varying weights and measures or to introduce a practical system, but rather to "measure the earth precisely." The foundation of the system would be a meter equaling "precisely one ten-millionth of the distance from the North Pole to the equator."

This precision was not realized.

The story is a sad one. Two skilled scientists spent seven years calculating the distance from the North Pole to the equator using the surveyor's technique of triangulation along the Paris meridian. Exactly how they used this to determine the circumference of the earth is beyond my understanding, but it involved creating a series of triangles from fixed, elevated points, measuring the distances of one side of each triangle to determine the lengths of the others, incorporating astronomy to determine the latitudes at the north and south point of the measured meridian, and extrapolating to obtain the earth's circumference.

But poor Pierre-Francois-André Méchain! He made the mistake of checking his findings. A year after he had calculated the latitude at Barcelona (and following a terrible accident and in the middle of war between France and Spain), he measured again from a spot a mile away. Although he corrected for the one mile distance, he came up with a different latitudinal figure and could not reconcile it with the first. He concluded that he had made a mess of things. Ashamed of the discrepancy, he kept it a secret, becoming increasingly morose until his death.

After Méchain's death, his colleague, Jean-Baptiste-Joseph Delambre, studied Méchain's notebooks. He saw the discrepancy but ultimately concluded that the differences were not due to human error. Rather, they were caused by what Alder calls "minute gravitational effects caused by the misshapeness of the earth"; in other words, each of the earth's meridians is slightly different in length. Thus, the meter can't be one ten-millionth of the circumference of the earth everywhere.

By that time, the meter had been adopted with great fanfare, on the wrong assumptions. But not to worry. A measure is a measure, and it doesn't really matter whether it is one ten-millionth of the earth's circumference or not. What does matter is that the populace disliked it. The new metric system was so hated that Napoleon repealed it, and France didn't completely accept it until after World War I.

Now, suppose that instead of trying to measure the circumference of the earth, the French utopians had backed off and decided to do something simple — such as build a base-10 measurement system on a familiar unit such as the yard (*aune* in French). Before Méchain and Delambre had returned to Paris, seamstresses would have been purchasing cloth by the *aune-nouvelle*, carpenters would be happily cutting boards into *deci-aunes*, and schoolchildren would be learning the new system along with their multiplication tables. Now, that would be a spontaneous order!

— Jane S. Shaw

Rosie the Rubblesifter — One day last September I was standing in line at 7-11 and chuckled as I read the cover of *TV Guide*: "Fall Preview: Tough Women Rule." Funny that through the days of wall-to-wall coverage of the carnage at the World Trade Center that same week, very few women could be seen in the heart of the rescue effort — "in the shit" as they would say in Vietnam. Feminists around the country threw down their *TV Guides* in anger and went on the air almost immediately, complaining about the predominantly male images of heroism surrounding Sept. 11. Some were upset that President Bush and Mayor Giuliani spoke of the "brotherhood" of firefighters during the crisis. Well now they've gone and done something about it.

According to Kathy Rodgers of the National Organization for Women, "we knew we couldn't let women be erased from history — again — so we started gathering stories." I'll say. The result is a documentary film produced by the NOW Legal Defense and Education Fund called *The Women of Ground Zero*, featuring the sagas of six women from various professions serving there the day of the attack.



(A separate, roughly parallel book of the same title has also just appeared.)

I should clarify that I sincerely respect and admire any individual called to duty that day, male or female. But the clear implication from the sisters of NOW (and swallowed whole by the media), that the male-dominated rescue picture around Ground Zero somehow involved suppressing images of women, is just laughable — if not surprising. To whine about the coverage of women at the World Trade Center, where four out of five of all people killed were men (a rarely reported fact) — including 399 of the 410 rescue workers on the scene — reveals the pettiest chauvinism, i.e., exactly what we've come to expect from NOW and its ilk. It goes without saying that if the female victims outnumbered males by four to one and constituted over 97% of the rescuer fatalities, the media would have billed the event as "the women's tragedy," pure and simple.

The "Women of Ground Zero" phenomenon, complete with its own websites and fundraising efforts, perfectly captures our new "multicultural" ethos. If the view out there doesn't match your special group fantasy, go ahead and paint your own; you'll be amply praised in the process. How well your new picture corresponds to the larger reality

If the female victims outnumbered males by four to one and constituted over 97% of the rescuer fatalities, the media would have billed the event as "the women's tragedy," pure and simple.

is irrelevant, since the latter must be "wrong" if it doesn't prominently feature your group.

The truth is, the cameras didn't have time to create a distorted picture on Sept. 11. That always happens later.

— Michael Drew

Economics of the *Twilight Zone* — During a recent day off, I watched *The Twilight Zone* on the Sci-Fi



"Isn't it wonderful how a simple thing like a shared meal can create a sense of community?"

Channel. During a commercial break it occurred to me that the message of the episode and the message of the commercial were exact opposites — and that conflict contained an important economic lesson.

The episode, "The Brain Center at Whipple's" (1964), shows how the *Twilight Zone* brings its patented poetic justice to one Mr. Whipple, Evil Capitalist, who has decided to introduce a new computer system at his factory, at the cost of some 40,000 jobs. The plant foreman, sympathetic to the employees who will be laid off, objects with a moving speech about the pride that manufacturers take in their products; another employee reacts by charging into the plant at night and sabotaging the machine with a crowbar, while yelling that it dehumanizes people to take away their jobs.

The proper reaction to this is, of course, Henry Hazlitt's: we don't employ people just to employ them; we employ them to produce stuff. If we wanted to give people jobs, we could hire them to dig holes and fill them back up again.

But it's enlightening to ponder the consequences of the economic ignorance of Rod Serling (who wrote the episode). At one point in the episode, Mr. Whipple tells the foreman that the machines will cut down on time lost through employee hospitalization. This is true. Yet the foreman still objects to the new machines. Does he mean that it is better for these employees to be injured than for them to not be injured? The foreman doesn't think of it that way, but that is just the point: Serling's preachy script fails to consider the fact that all of life consists of trade-offs. We cannot have a perfect world, in which all people feel a sense of personal fulfillment — and also don't have to suffer work-related injuries; in which people have remunerative jobs — and still have time to sit back and watch *The Twilight Zone*. We must make choices between possible alternatives. We choose to work because we want to earn money rather than sit around all day; we get jobs because businessmen want to produce goods, not because they want to provide jobs. People buy goods because those goods are worth more to them than the money they trade for them.

Serling's failure to comprehend trade-offs reaches its most ludicrous in a scene in which Mr. Whipple fires the

technician in charge of computer repair. (Whose job is, one would think, in higher demand as a result of Whipple's decisions.) The technician complains that the plant is cold and forbidding because the employees have all been fired. Mr. Whipple responds that the machines cut down on the amount of time lost to maternity leave — to which the technician reacts with shock. Why, Mr. Whipple is equating maternity with an illness, or some other triviality! Why, he is against motherhood! "Mr. Whipple," the technician intones, "in your world there will be many fine products — but precious few people to buy them."

Come again? Why would Whipple produce fine products for no buyers? And people will stop having children because Whipple objects to paid maternity leave?

During one commercial break, however, some economic common sense managed to creep in. The commercial — for Dell computers — shows some office employees looking out a window at the office next door, where the employees are engaged in an impromptu Office Olympics, because their computers have failed, bringing work to a standstill. "Why don't our computers ever fail?" asks one envious onlooker. "Because we have Dells," replies the office manager. The employee suggests that perhaps a computer failure could be arranged, since it looks so fun. "Let's put it this way," the office manager replies. "Because our computers work, we won't have to work this weekend."

By Serling's logic, this answer is heartless; ignoring the spiritual value of working on weekends — after all, an office worker has pride in his work, doesn't he? Why should Dell Computers take away that pride by improving productivity and lowering the cost of the end product?

The history of automation is a history of increasing availability of products, lower prices, and improved standards of living. To take just one example: in 1817, New England produced 4 million yards of cotton cloth. Twenty years later, that number was 308 million. That's 7700%. Now, if Mr. Whipple's employees are correct, the world is better off with 4 million yards of home-produced textiles on dangerous looms — with the consequent employee injuries, high prices, lack of substitutes — than with 308 million machine-produced yards. After all, the manufacturers of cotton fabric have their pride!

In the end, Mr. Whipple, heartless enemy of motherhood, is fired and replaced by Robby the Robot, who paces the office twirling his watch chain just like Mr. Whipple did, while Whipple and his old foreman sit in a bar drinking and crying about their fate. The episode is an artifact of the common fear in the 1960s that computer technology would change our world so drastically that man would be enslaved by the machine. But at the end of the century, the real result should be clear: computers have liberated us in innumerable ways. If there are complaints, they come — as always — from the writers, who alone suffer the illness of "alienation." Only a few years before this episode aired, C.P. Snow wrote, in defense of factory labor, that "the poor have walked off the fields and into the factories as fast as the factories could take them." Today they are walking out of the factories and into their own back yards. True, some of them, like Mr. Whipple, waste their new spare time getting drunk. But if they feel a sense of emptiness as a result — whose fault is that?

— Timothy Sandefur

Eco-splat — While sitting around a campfire in the woods of northern Michigan, it occurred to me that perhaps maximum biodiversity isn't always the optimum state of the earth. After swatting my 50th mosquito of the evening, I realized that if the entire genus and species were wiped from the face of the planet, I wouldn't shed a single tear.

So let's drain the wetlands and bring on the DDT. Do it for the sake of the children, who are threatened by West

Nile Virus and malaria, and if any environmentalist complains, let's tie him naked to a chair, and leave him in the woods until he realizes the error of his thinking.

— Tim Slagle

Reparations, Community and Common Sense

Sense — On the surface, at least, almost everyone seems to be profiting from the campaign to appropriate public money for "reparations" payments to the descendants of slaves. By enlisting in this cause, racial demagogues who have run out of anything else to demand can keep their business going in perpetuity. So can conservative talk-show hosts who have run out of anything else to denounce, and modern-liberal journalists who have run out of any other source of To-the-Finland-Station crowd scenes. It doesn't take much to satisfy these people. The recent march on Washington to demand reparations produced a crowd of 2,000 (tops), and the media, both liberal and conservative, acted as if the 1960s had come again.

(The farmer's market down the street from me draws a bigger crowd than that every Sunday. So do a lot of church services. So do very many anti-abortion "rallies." So do all

I am saddened by the realization that I've fallen into the same trap as the reparations mongers: I've attributed rights and responsibilities to groups instead of individuals.

conventions of Jehovah's Witnesses. Why don't the *Washington Post*, the *L.A. Times*, and Mr. Sean Hannity ponder the significance of *these* phenomena?)

But I did say "almost everyone seems to be profiting." What I meant was, I am not profiting. I'm alternately bored, irritated, and saddened by the reparations claptrap.

I just gave my reasons for being bored. My irritation expresses itself in a voice that screams inside me, as soon as the word "reparations" is mentioned, "My great-grandfather fought in over 30 battles to free the slaves! My family owes *nothing* to *nobody*!" Inside other heads, the voice screams what one of my modern-liberal professors gave out with when he first heard the "r" word: "Don't come to *me* for reparations! Until 50 years ago, my family wasn't within 5,000 miles of this country!"

After the voice stops screaming, however, I am immediately saddened, saddened by the realization that I've fallen into the same trap as the reparations mongers: I've attributed rights and responsibilities to groups instead of individuals. There's as much reason for me to claim exemption from responsibility for slavery because I am a member of a certain family as there is for an African-American to claim a benefit from slavery because he is a member of a certain family: there's zero reason on either side. Individual slaves, and individual slavemasters, ceased to exist over a century ago.

There is a second reason for sadness. The basic idea behind the reparations agitation — the idea that "slavery

built this country," that America "profited from the toil of the slaves," and that America's profits should therefore be repaid to the slaves' descendants — can only result from the assumption that slavery was an economic *good*, that slavery somehow *worked*. The fallacy of this idea is demonstrated, as clearly as anything in economic history can be demonstrated, by the radically different economic achievements of the North and South, as well as by the notorious tendency of Southern slaveholders to turn up bankrupt. Ignorance of these facts is saddening. So is ignorance of the fact that the labor theory of value was discredited almost as long ago as slavery itself. But ten times sadder is the spectacle of people who try to alleviate the horrible effects of slavery while simultaneously believing that there was something good about it.

— Stephen Cox

Leadership for dummies — Rumor has it President Bush is reading a new book by Eliot Cohen, called *Supreme Command: Soldiers, Statesmen, and Leadership in Wartime*. The book describes the leadership characteristics of successful wartime politicians like Winston Churchill and Abraham Lincoln. Cohen argues that politicians should study the tactics and logistics of warfare, in order to carefully scrutinize the military, and maintain the momentum of popular support.

But the most essential ingredient that successful wartime leaders have is precisely that which the Bush administration has now utterly squandered: the moral advantage. After the Sept. 11 attacks, President Bush announced to the nation that "I will not yield, I will not rest, I will not relent in waging this struggle for freedom and security for the American people." That struggle meant that "we will pursue nations that provide aid or safe haven to terrorism. Every nation in every region now has a decision to make: Either you are with us or you are with the terrorists."

A year after barbarians murdered 3,000 Americans, we are not safer; we have accomplished only a gold-plated victory in Afghanistan, the true hollowness of which becomes more obvious every day. (A recent mission of 2,000 American troops to a region of Afghanistan near the Pakistani border resulted in the capture of exactly zero terrorists — because, as commander of the 82nd Airborne Division, Col. James Huggins, explained, "there was advance warning in each of the sites we went to.") Meanwhile, Palestinians continue their suicide-bomb war against Israel, with Saudi and Iraqi support; Pakistan hangs on by the slender thread of a dictator only slightly less anti-American than his sanguinary people; terrorists attack Russia and India with impunity (but Russian reprisals against nations harboring terrorists are greeted with White House condemnation); Saudi Arabia, which funds and propagates Islamic terrorism throughout the world, is called a "moderate regime" and an ally, protected not only by President Bush, but by the intelligence services, which resolutely deny the convincing evidence that Saudi money funded the sophisticated intelligence operations behind the Sept. 11 attacks. The exceptions to the Bush Doctrine have now completely swallowed the doctrine.

President Bush began the war by declaring that we

would not be cowed; we would root out terrorists and kill them. Then that turned into "bringing them to justice." Then that turned to "a political solution to the Middle East crisis." Arafat called the White House's bluff; the president reined in Israel; and by the time a bomb at Hebrew University killed five American students, Bush's indignation had become darkly comical. "I am just as angry as Israel is. I am furious," he said. One could almost hear resolution itself fluttering away in the breeze — and then there was nothing. Shakespeare said that:

conscience does make cowards of us all;
And thus the native hue of resolution
Is sicklied o'er with the pale cast of thought,
And enterprises of great pith and moment
With this regard their currents turn awry,
And lose the name of action.

But in Bush's case, it is not conscience, but so-called "realpolitik" — "political solutions" without military victories — politics without ideals — means without ends — that has enervated the war. America's resolution was squandered with the politics of the "peace process," (patented by bureaucrats at Foggy Bottom) whereby a nation slowly bleeds to death rather than being conquered outright. The results of both is the same. There was a day when this "peace process" was confined to Israel. That was bad enough; today it has spread to America.

Now, contrast Bush's hollow and pathetic "fury" with the genuine power of a leader like Winston Churchill. He made no compromises, no "peace processes" with Hitler, and allowed no such pretenses to stand in the way, precisely because they are pretenses. Backing down from a rightful stand only prolongs the agony — in the end, the right will prevail, but only at a cost increased by delay. "It is vain to imagine," said Churchill in 1938, "that the mere perception or declaration of right principles, whether in one country or in many countries, will be of any value unless they are supported by those qualities of civic virtue and manly courage — aye, and by those instruments and agencies of force and science which in the last resort must be the defense of right and reason. Civilization will not last, freedom will not survive, peace will not be kept, unless a very large majority of mankind unite together to defend them and show themselves possessed of a constabulary power before which barbaric and atavistic forces will stand in awe."

Only firmness in the right — not military tactics or careful administration — can assure victory in a war which the administration now seems to wish it had never declared.

— Timothy Sandefur

Word watch II — "The word is the shadow of the act." So the ancient Greeks believed, and they were right. Any strange and untoward alteration in words is the shadow of some strange and untoward activity of human thought.

Consider the recent alteration in the most popular euphemism for death, which for many years was "he (or she) passed on." Now one hears on every side, "He (or she) passed." Just that. Passed. That's the end of the sentence. Hearing that, anyone interested in stories instinctively won-

ders, "Passed *where*?" Even the Ancient Mariner didn't just pass; he passed "like night from land to land." The verb "pass" requires some faint obeisance to the fact that motion has direction. That's what the "on" was for.

Of course, the reason why "on" is no longer heard is that many people feel embarrassed to hint that there may, in fact, be a direction to human life, that there may be a place that the deceased go *on* to. The embarrassment may result from a decline in religious belief or, more likely, from a politically correct decline in the willingness to confess to religious belief. Well, I'm sorry, but you have to decide. Either you believe in God or you don't. If you do, please continue to resort to the conventional euphemism, which well expresses your view: "he passed on" to heaven, or someplace else. If, however, you don't believe in God, please omit all implied reference to the idea that human life is part of a story that *passes* anywhere beyond mortality. Find your own euphemism for death. Or just, for God's sake, say "he died."

Now we come to a verbal disturbance which indicates that when you sense an alteration in the common tongue, you should consider the possibility that the alteration is politically inspired.

I refer to the abominable misuse of the word "issues": "I have issues about that," or, if you don't care to be even that specific, just "I have issues." Note that this is always said in a combative, self-righteous tone, as if the speaker were delivering a party platform. And it's true, "issues" is an inherently political word. The ominous alteration in its use is its transference to formerly nonpolitical contexts. People now say, "I have issues with men" or "I have issues with women," or "I have issues with soft drinks," in the way that people used to say, "I'm voting for Taft, God damn it!" Not surprising, I suppose: since the 1960s, the best minds have been saying that everything is political.

"Issues" is a political disturbance of the noun. The next problem I want to mention involves a political disturbance of the preposition.

Have you noticed that (leftist) people on television now characterize themselves as "advocates for" some indefinite thing or other — "diversity" or "child welfare" or "racial equality" or whatever the cause du jour happens to be? "Advocate," of course, is a transitive verb; it needs a direct object, as in: "I advocate an increase in the income tax." Well, fine. I can understand that statement. I don't agree with it, but I can understand it. But what can you say to someone who intones, "I advocate for tax policy," or "I advocate for children," or, in a still more putrid style, "I advocate around issues of women's health care." You can't say anything, because nothing has been said to you. These are meaningless statements.

Yet the tone comes through, and it is not a nice tone. The effect of "for," in such locutions, is to transfer interest from *what* is advocated to *who* is advocating, with the suggestion that advocacy is not merely a favorable discussion of certain ideas ("I advocate socialized medicine") but a full-time occupation, a legitimate means of claiming respect and remuneration. "I work for the bus

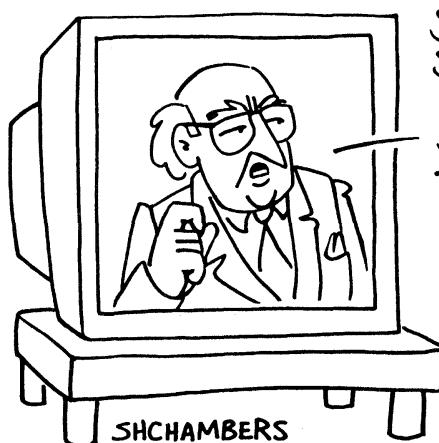
company," "I stock shelves for Safemart," "I advocate for product safety labels." All the same thing, right? No, not quite. Tell me what, precisely, you're advocating, and then I'll tell you whether you merit any social recognition for advocating it. But don't tell me you're advocating "for" it.

As for the effect of "around," the less said the better. Real people talk about equality; they say what they think it is; they debate whether it's good or bad; but only phonies are "concerned with issues around equality." They may also be concerned with issues around the old Marxist theory that all social and moral problems are "mutually implicated," so that talk about one thing always, inevitably leads to talk about everything. (In other words, when Marxists talk around an issue, I mean they really talk *around* an issue.) But whatever it is that has addled these people's little heads, it's clearly time to suggest to them that the rest of the world is neither so phony, nor so confused, as they are. If someone says to you, "I'm concerned around issues of health care," tell him, "Well, then, I'm sorry to find that you're not concerned with *health care* — because I am." — Stephen Cox

The unspoken alternative — Every time I hear public debate about rising medical costs I regret that no one introduces into the argument the libertarian alternative of the elimination of medical licensing, the state-enforced monopoly that keeps physicians' fees artificially high; and whenever I hear complaints upon the lack of money for public schools in America I regret that no one introduces into the argument the libertarian alternative of the elimination of compulsory education, because nothing would reduce costs, as well as eliminate unruly students, more surely and swiftly than letting them depart (ideally until they think it wiser to return).

Just as the doctor's union opposes vehemently any debate over licensing, so the principal opponent of any reconsideration of compulsory education is not students or parents but the teachers' unions. — Richard Kostelanetz

Market watching — People avidly follow the Dow, the NASDAQ, and S&P in the attempt to know how the economy is doing, how to invest, and whether to buy or sell stock. Few people stop to think what these index figures mean and what makes them go up or down. They are massive totals comprised of countless bids and asks for shares of



stock in specific companies all added together.

As such they don't mean very much — because no one buys "the market" as a whole. Anyone buying or selling stock must buy stock in specific companies. What is important to remember that each of these companies is trying to furnish some good or service that consumers want. Whether the stock of any particular firm goes up or down depends on the success of its managers to satisfy its customers. And how its managers proceed is influenced to a great extent by whether or not they expect government to interfere with their efforts, disrupt their plans, impose more or different regulations, raise taxes, or issue new quantities of dollars to disrupt their cost calculations.

"The market" is nothing but a collection of countless individual companies, entrepreneurs, and business managers, each of whom is doing his or her best to anticipate costs, potential sales, and the consequences of government interferences on his or her particular company. The most valuable contribution governments (at every level) could make to the economy and the well-being of the people would be to assure everyone that it would halt all increases in taxes, regulations, and the money supply. But since Sept. 11 every so-called "crisis" or "emergency" has called forth more taxes, more regulations, and more money — for certain political favorites.

These political actions can be disastrous. The companies that are hindered as a result from doing their best to serve their customers may have to curb production, purchase less from suppliers, lay off workers, and perhaps even go out of business. How companies are affected varies from company to company. But it always depends on the expectations of the consequences by company owners, managers, and entrepreneurs. And the more disruptive interferences they expect from government, the more discouraged they will become as to their prospects for continuing energetically in business.

Whether widespread depression or prosperity results will depend on the decisions and actions of individual businessmen. And government has the power to influence them for better or worse.

— Bettina Bien Greaves

In space, no one can hear you lip sync — Lance Bass, a member of the almost-defunct teen-pop group *NSync almost became the third space tourist. What made this trip so spectacular is that NASA is finally catching on to the idea of space tourism, and for the first time is helping with the training.

Duane Carey, a shuttle pilot and father of two teenage daughters, said, "What's exciting about this is getting a creative person up there . . ." *NSync creative? That's probably the first time those two words have ever appeared in a sentence.

— Tim Slagle

More globes warming — There have now been three bodies in the solar system other than Earth that have been reported to be warming: Mars, Triton, and Pluto.

On July 20 and then on Aug. 21 of this year, Pluto passed directly between Earth and certain stars in the constellation Ophiuchus, allowing scientists to obtain information on Pluto's atmosphere. Marc W. Buie of Lowell University and James L. Elliott of MIT found that, although Pluto is now three percent farther from the sun than it was in 1988 (the last time Pluto occulted a star seen from Earth), the planet's sur-

face is now slightly warmer. Another team at the Observatory of Paris also measured an increase in Pluto's surface temperature.

According to B. Buratti of the NASA Jet Propulsion Laboratory, Triton's lightcurve has recently increased in amplitude, its spectrum has reddened distinctly more than once, and even its atmospheric pressure has been increasing. A lightcurve is the variation of a body's apparent brightness with time.

In January's *Science News*, scientists reported that using Mars Surveyor camera, they found that the walls of pits in the polar icecap had receded by about 1 to 3 meters. This rate of erosion is described as "phenomenal." A *Science* 294 article "suggests that colder winter temperatures over the Northern Hemisphere continents during portions of the 15th through the 17th centuries . . . and warmer temperatures during the 12th through 14th centuries . . . may have been influenced by long-term solar variations."

Though there may be speculation as to the reasons for the surface warming for each of the bodies for which it has been reported, Mars, Pluto, Triton, and Earth, a simpler explanation that would apply to all would be an increase in the Sun's output. Despite the reports on Mars, Pluto, and Triton, there hasn't been a peep from anyone (as far as we know) concerning a possible connection between this and putative "global warming" on earth.

Remember the case of the dog that didn't bark? This may be another one. NASA is being given huge amounts of money to study global warming, yet it hasn't proposed the obvious project of designing an inexpensive satellite to precisely measure solar output over time. The U.S. pays about 2 billion dollars a year of our money for global warming studies; that can buy a lot of silence.

— Sandy Shaw and Durk Pearson

Vend, my friend! — Warsaw is maturing, so they say. It used to be that you encountered sidewalk vendors everywhere and the park around the Palace of Culture in the center of the city was filled with small metal booths called *scieki* ("jaws") where people sold all kinds of goods and you could encounter highlanders from the mountains selling smoked cheeses, sheepskins, and fleece vests off of sidewalk tables.

I used to have an apartment right above an open-air produce market where I could go out on my balcony and plan my dinner with a pair of binoculars (Red Army surplus bought at the open-air market) and take the elevator down to do my shopping.

Now there are hypermarkets in almost every district and businessmen are grumbling about how we have to get rid of these vendors. "No sophisticated city has street markets like this. It looks primitive." The grounds around the Palace of Culture have been cleared of all the booths and only a few vendors with tables remain. There are still sidewalk vendors, but they are subject to licensing regulations and appear to be growing fewer. Maybe it's a sign of progress, but I still find it depressing. The markets and vendors gave this city a certain character, which is hard to come by considering how ugly much of Warsaw is.

This morning as I was walking to the train station I passed a few vendors near the entrance to the underground.

Most Persuasive Libertarian in America Voted “Best Libertarian Communicator” Needs Your Help to Run for U.S. Senate

Michael Cloud, Libertarian for U.S. Senate (MA)

Jo Jorgensen, 1996 Libertarian Vice-Presidential nominee says, “Michael Cloud is, hands down, the best public speaker in the Libertarian Party.”

Chris Azzaro, Director, Libertarian Victory Fund, says, “Michael Cloud is, quite simply, the most persuasive Libertarian with NON-libertarian audiences. He captivates them with new insights and outlooks, stories and illustrations, thought-provoking questions and a passion for our principles of liberty. When Michael Cloud speaks, audience members join us.”

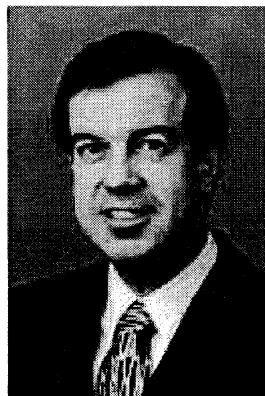
Carla Howell, Libertarian for Governor, says “Michael Cloud is the most electrifying, eloquent, and entertaining public speaker in the Libertarian movement. Master of the Art of Libertarian Persuasion. Put him in front of NON-libertarian audiences – and watch Michael Cloud turn them into Libertarians.”

David Brudnoy, enormously popular Libertarian talk radio host on WBZ in Boston, says, “Spectacular: that’s the only way to describe Michael Cloud.”

Teaches Libertarian Persuasion

Michael Cloud created the Libertarian movement’s most widely used communication training tapes: *The Essence of Political Persuasion*.

Over 57,217 subscribers receive Michael Cloud’s “Persuasion Power Points” column every two weeks. (Visit www.Self-Gov.org.)



Michael Cloud

Quotable Phrase-Maker

Quoted by Playboy, Wall Street Journal, Reader’s Digest, the Congressional Record, National Review, and Harper’s and others.

Ghost-written speeches, articles, & books that have found their way into every major publication in America.

Put Michael Cloud in front of NON-libertarians

1. Colleges and universities.
Michael Cloud is persuasive and extraordinarily well-read. Politics. Economics. Philosophy. Psychology.

Current Events. Cultural Trends. Religion. Science. He is able, educated, and fluent. Michael Cloud wins over college students.

2. TV Interviewers. Michael Cloud is media-savvy and charismatic. Engaging. TV Interviewers invite Michael Cloud. Repeatedly.

3. Talk Radio Hosts and Audiences. Over 83 Talk Radio Hosts agree that ‘Michael Cloud ‘Wows’ the audience and lights up the call-in lines.’

4. Service Clubs. Rotary. Civitan. Lions. Optimists. Soroptimists. Elks. Professional Business Women’s Clubs. Michael Cloud wins them to Liberty.

Michael Cloud possesses what Rafael Sabatini called, “a dangerous gift of eloquence.”

Help us put Michael Cloud in front of 300 NON-libertarian audiences to grow the libertarian movement.

We need press kits, news releases, and campaign literature.

Please donate as generously as you can.

Personal Responsibility is the Issue

Michael Cloud

Libertarian for U.S. Senate

\$1,000 \$500 \$250 \$150 \$85

Other: \$ _____ I’ll Pay By: Check

Visa Mastercard Discover AmEx

You may donate up to \$2,000:
\$1,000 for Primary & \$1,000 for General Election.

NAME	CREDIT CARD #		
ADDRESS	SIGNATURE	EXPIRATION	
CITY	STATE ZIP	OCCUPATION	EMPLOYER
PHONE	EMAIL		

Donate to: Michael Cloud for U.S. Senate • 131 Bridge Street • Salem, MA 01970 • Note: Federal law requires political committees to report the name, mailing address, and occupation and employee for each individual whose contributions total \$200 or more in a calendar year. Not tax deductible. No corporate checks. Paid for by Michael Cloud for U.S. Senate, R. Dennis Corrigan, Treasurer. MCLM1201

Suddenly I saw a man rush up the stairs from the subway entrance nearby shouting. In a flash I saw goods whisked off of tables and packed into bags and the tables removed. Sure enough, a pair of city cops came trudging up the stairs and walked across the plaza, while the vendors sat around looking innocent. Maybe the cops knew something was going on, maybe they didn't. I suspect they really didn't want the bother of hassling somebody trying to make a living and harming nobody — or at least I like to think so.

God, I love this town!

— Stephen Browne

Time for a change — By the time most of you read this, you will have already paid into a nefarious government mandated pyramid scheme whether you wanted to or not. Not me, however. I am fortunate enough to live in a state that doesn't engage in such silly mathematical nonsense. No, I'm not talking about Social Security. I'm talking about that other pyramid scheme: Daylight Saving Time.

It clearly fits the definition of a pyramid scheme by taking time (or more precisely, light) from one area of the day and moving it to another area. Of course, like any pyramid scheme, in order to keep it running, it requires an infinite amount of time, constantly shifting one segment to another. Nothing is produced, just transferred.

Indiana (where I live) has some small portions of the state that practice Daylight Saving Time (DST), while the majority of the state doesn't practice it. I live in the saner part of the state. Unfortunately many of my fellow Hoosiers are clamoring to jump on the DST bandwagon of constantly resetting millions of clocks. This is similar to impetuous children giving in to peer pressure. Their main argument is, "Everybody else is doing it."

I've lived in other states that do practice DST. Thus I have personally witnessed the foolish ritual of eternally moving clock hands forwards and backwards like some perpetual and indecisive metronome. So I have seen and lived with both sides. Thus I can speak from experience about the DST nightmare.

If Indiana follows other states like lemmings over the DST cliff, it can look forward to the following "benefit" that most other DST states share: After each time change a person's sleep pattern will be thrown completely out of sync. This lasts about two weeks until the body gets accustomed to the new schedule. This will happen twice a year. That equals one month out of your life, each and every year, that your body is thrown exhaustively out of whack.

DST proponents ignore this fact (perhaps they're too tired to realize it?) and feel that their manipulation of clock hands somehow affects the independent structure and flow of time and light. This is similar to primitive people who believed only magic rituals during an eclipse could bring the sun back. In both cases, nature simply goes on despite man's futile attempt to influence it. Yet both groups will insist that their efforts must be invoked in order to make life better.

What neither the primitive savage nor the DST proponent understands is that their actions have no impact. Except in the case of DST, where it actually causes harm. The number of car accidents and deaths that inevitably occur during the weeks following every time change is anybody's guess. You don't steal an hour of a driver's sleep without

consequences.

And, of course, by changing the time and giving more light to one group that stays up late, you are simply taking light away from another group that gets up early. Anyone who sleeps, anyone who drives, and anyone who recognizes the inherent flaw in all pyramid schemes should actively oppose Daylight Saving Time. But, unfortunately, most people will continue to move their clock hands twice a year, more people will lose light to others, more people will lose sleep, more people will fall asleep at the wheel, and more people will actually think DST is a good idea. You can count on it like clockwork.

— Chris Henderson

Skousen out at FEE — On Sept. 24, the Board Of Trustees of the Foundation for Economic Education ousted Mark Skousen, who had served as its president since Dec. 5. Skousen and his supporters believe that he was ousted for having invited former New York Mayor Rudy Giuliani to speak at a FEE banquet in October. Skousen had been subjected to a lot of criticism for inviting Giuliani, on grounds that Giuliani had a long record of prosecutorial abuse and hostility to individual liberty (see "Popularity über alles," Reflections September). Skousen certainly underestimated the hostility of libertarians to his Giuliani invitation, which reverberated around the Internet for weeks. One investor was so annoyed by the invitation that he offered to donate \$10,000 to FEE if Skousen would allow Doug Casey, who has a long history of speaking the truth to powerful politicians, to speak at the same banquet. (Skousen turned down the offer.)

But there were other factors that led to his firing. Staffers of Laissez-Faire Books (LFB), which FEE had acquired earlier this year, bridled under Skousen's management, which they considered to be ham-handed. Others at FEE were unhappy about Skousen's self-promotion. And there were concerns about FEE's finances as well.

I look on Skousen's departure from FEE with mixed emotions. I was as critical of his invitation to Giuliani as anyone, and I appreciate the other concerns that people at FEE and LFB had. But Skousen had also brought considerable energy to the organization, which certainly needed it. FEE's fundamental problem, it seems to me, is that its original mission is obsolete. FEE was founded by Leonard E. Read in 1946 as a remnant organization, intended to keep the faith in freedom in a world where libertarian thinking had little influence or intellectual respect.

In pursuing that mission, FEE was extraordinarily successful. But the renaissance of libertarian thinking that began in the 1960s gradually made FEE's mission obsolete, and so far as I have been able to see, FEE hasn't really settled on a new mission.

I offer two suggestions:

FEE could focus its energy on educating political conservatives in free-market economics, which was a major part of its activities during much of its early years. Libertarian thinking has grown less and less influential ever since most libertarians abandoned the conservative movement in the 1970s, and FEE could do a lot to remedy this situation.

continued on page 26

On the Road With Ed Thompson

by Tim Slagle

A trip across Wisconsin with a guy who owns a bar . . . sounds like a dream come true.

On Sept. 18, I drove up to Wisconsin and spent a couple of days traveling with the Ed Thompson campaign. I know Wisconsin better than a lot of people. I earn my living doing stand-up comedy, and there is a whole lot of comedy work between Lake Michigan and the St. Croix river. I've spent a lot of time in the Cheesehead State's bowling alleys, hotel lounges, and supper clubs.

Ed is Wisconsin. His friendly demeanor is infectious. He is a natural bartender, always making sure your drink is full, and keeping you busy listening to his great stories. When he tells you that he *knows* that he can win, you can't help but believe him.

Who doesn't love a Wisconsin supper club? Big thick steaks and fried fish are standard fare. Mr. Ed's Tee Pee Supper Club in the small town of Tomah is a living relic from half a century ago. An old theater marquee was converted into the sign for the place in 1950. Under its light, a buxom Indian maiden in a short buckskin skirt has been stirring a cast-iron pot over a campfire since long before political correctness was a gleam in some killjoy's eye.

I get into Tomah at around 1:00 a.m. Media director Josh Morby tells me that the "War Wagon" will be leaving the Tee Pee at around 7 in the morning and if I want any sleep I'd better get it now.

I pull up around 7:05. The War Wagon is a big old 1982 Fleetwood Pace Arrow RV, with threadbare dusty rose upholstery. Its rusty sides are freshly painted with a yellow and black "Ed Thompson for Governor" sign. There is a

SpongeBob SquarePants air freshener hanging from the rear-view mirror. The Wagon got a brand-new engine up in Ashland two weeks back, and this is its maiden voyage on the new engine.

I meet Darryl Pokela, who will be driving, and Larry Powell, who is handling the scheduling. It's going to be a day full of phone interviews, press conferences, and a run across southern Wisconsin, with stops at a few towns that want to build casinos, but have been denied a license from the state. It should be a local issue, says Ed. If a town wants to vote against a casino, that's fine — but if they want one, then why does Madison have the right to tell them they can't?

Ed has been campaigning twelve hours a day, seven days a week for the past year and a half. His face is recognized all over the state, and around every bend in the road you will see Ed Thompson signs in people's yards. He still gets a kick out of seeing every one, and it's a big event in the War Wagon whenever one is spotted. Of course, when anyone sees an opposition sign, it's time to make a crack, but fortunately that rarely happens. It is a sure bet that Ed Thompson clearly owns one demographic: "voters most likely to put a

sign on their front lawns."

Darryl asks Larry to reach out the window and adjust the mirror. Larry complies, but the adjustment only lasts a couple seconds; the screws are pretty weak, and the mirror sags back to its original position. We make a mental note to try and fix the problem at an upcoming stop.

First stop is at a McDonalds in Mauston. Here we pick up Ed's old boxing coach Jim and campaign volunteers, Rose and Leona. None of them is under 60, and they're the kind of good-earth, small-town people you're always comfortable around — people you expect to stand behind in a buffet line, but never think you'd meet in a Libertarian campaign.

With a gravelly voice and white brush cut, Jim looks and sounds exactly like you'd expect a boxing manager to sound. Ed introduces me as being from *Liberty* magazine. "No kid-

It is a sure bet that Ed Thompson clearly owns one demographic: "voters most likely to put a sign on their front lawn."

ding," Jim says, "Liberty magazine! Boy, I didn't know they still published that. I should show you, I've got a copy of *Liberty* from way back in 1932. It only cost five cents back then, how much you charging for it now?"

I tried to explain to him that the *Liberty* magazine he's talking about went out of business in the '50s, and that I'm along to report for a completely different magazine, a political magazine that's only been around for 15 years.

"No, it's the same magazine," he explains. "It just got started printing again, cause that magazine is over 80 years old." I found it easier just to agree with him.

Leona gets on board with her lunch in a bait bucket. She had gall bladder surgery in 1995, and she pulls out a letter-to-the-editor that just got published in the Juneau County newspaper. She shows me the little bottle of brandy she keeps in her purse for emergencies. "Heart condition, you know."

Rose is 67-years-old and works the late shift in a nursing home. She has been up all night. She loves to can and has put up almost 150 jars of vegetables already this summer. She slips in the back of the RV for a power nap.

All three of them are really excited to be on a road trip in the War Wagon.

Our next stop is at the gas station for a fill up. The War Wagon's main gas tank is rusted out and needs to be replaced so we're running on the auxiliary tank. It only holds 20 gallons, so we have to fill it up every hundred miles or so. I recommend that any candidate travel like this, because the constant stops are great opportunities to get out and shake a few hands. Ed tries to meet everybody at every stop.

Back in the Wagon, we all have a fresh cup of gas station coffee, and Ed sits next to me and starts talking. He tells me the now-famous video poker story. On the night of Dec. 15, 1997 four cops raided the Tee Pee Supper Club. An undercover policewoman had come into the club and put \$10 into

one of the machines back in July. A little while later, she went to the bar and asked for a \$5 payout on the machine. That was enough to raid the place. The police went through the entire club, seizing all the cash on hand and all the video poker machines. Thanks to Christmas parties that evening, it had been a very busy night for the club, and the police snatched \$4,000 from the restaurant till and \$1,800 from the bar. It was part of a publicity stunt: in all, the police busted 43 taverns and seized 115 machines that night. The prosecutor offered Ed a deal: pay a fine and forfeit the cash they'd seized, and he'd be free to go about his business. Ed was determined to fight the law that he felt was unjust. "If the state can hold a lottery, then they're admitting that there is nothing wrong with gambling. I'm trying to make a living here. I was ready to go to prison if I had to."

This was not an idle statement. Ed spent several years working in a prison, and knows all too well what goes on in there. His platform calls for separating violent from nonviolent criminals. He believes in the legalization of victimless crimes, like drugs, and thinks the state would be better served by allowing nonviolent offenders the option of wearing a bracelet, and remaining under house arrest.

Ed went to trial facing the prospect of eight years and \$4,000 in fines. The first juror interviewed for the trial said, "I support Ed, and there's no way I will ever find him guilty." The other 58 jurors saw that the first one was dismissed, and repeated his performance. A few hours later there were only seven left, not enough to seat a jury. The judge was furious. He ordered the cops to go into town and round up anyone they could find. Meanwhile, the prosecuting attorney was ready to cut a deal. He would settle for an \$800 fine.

Ed said he wouldn't give them a dime. Ed's attorney said, "Well, then I'll pay the damn fine."

"After billing me \$10,000 it was the least he could do," Ed says.

The state had to return the money it seized, though it sold Ed's machines and the other 111 it seized that night at auction to a Texas man for about \$5,000. Ed mentions that they could have made ten times that amount if they had just sold them back to the taverns they took them from.

Ed campaigned for a law to allow tavern owners to have video poker machines, and to lower the fines for a machine that pays out. The law was passed and now the Tee Pee has five video machines, one more than was seized on that night in 1997.

"Do your machines pay out?" I ask.

"Of course they do," he says, "of course they do."

The cops had aroused a sleeping bear. Ed never was interested in politics until that point. He suddenly realized that perhaps the government does not hold the best interests of the public in its heart, and was determined to fight bad government.

Ed believes that the whole raid was staged by a Democrat attorney general as a way to embarrass Ed's brother Tommy Thompson, then the Republican governor of Wisconsin. Now his brother is the secretary of Health and Human Services in the Bush administration and the attorney general is the Democrat's candidate for governor.

We leave the press conference in Kenosha, and there are

huge black clouds on the horizon. It starts raining pretty hard. "Boy, she's coming!" says Larry. We get into a pretty heavy storm and the Wagon starts leaking in three places. The air conditioner is also broken, so the humidity is almost unbearable. The windows get so fogged we can't see out, and we get a little lost. Meanwhile, Ed is on the phone with the *Wisconsin Christian News*.

We get turned around and try to make a Y-turn in someone's driveway. As he was backing into the highway, Darryl remembers that he was going to fix the sideview mirror. It's flat against the window now, and completely useless. We barely miss getting creamed by a delivery truck that locks up its brakes.

After the conference we go to lunch at the home of Dr. Mike and his wife Angela. Dr. Mike has an interesting take on child support. He has told his wife's ex-husband, who has fallen on hard times, that he no longer has to pay child support if he can't afford it. Dr. Mike can certainly take care of all the kids. The state of Wisconsin, however, will not allow the doctor or his wife to refuse the support. He thinks that since the state holds all support checks for two weeks there may be a huge account on which they collect interest. Meanwhile, the deadbeat dad is such a popular villain for the government that there probably isn't a chance that they will ever reform the policy. After dinner he says grace, and asks God to bless Ed and the campaign. Ed is genuinely humbled. Someone suggests blessing the War Wagon, as it might help.

The next conference is at a local job center in Janesville. It is one of those government facilities that usually pop up in a town where there is high unemployment. It never really helps, but it gives local residents the feeling that the government cares and is working on the problem. This center is just a couple years old, and it was built in a recently closed Kmart. "Boy, you're going to be able to build a lot more of these pretty soon," I muttered to myself.

Inside were a lot of young single mothers wandering around and a couple kids surfing the net in the room labeled "High Wage Technological Training Center." A couple of

wants a casino to have one. "How do you know when you have too many?" asks Cathy.

"How do you know when there's too much of anything?" Ed responds. "You let the market decide. If there's too many, they won't be able to make enough money, so they'll have to close a few. This place here, used to be a Kmart. There were too many, now it's closed." Cathy, obviously educated at a liberal arts college, has never considered an idea like that before. I'm happy to hear economics 101 being taught in such a simple, over-the-fence approach.

A male job center employee comes into the room, and asks for Ed's attention for a moment. Ed obliges, and comes back a minute later. He wraps up the conversation, then

"I'm a libertarian too." Ventura told Ed. "Well then why don't you tell people that you're a libertarian?" "Because the libertarians told me I'm not one."

explains that we're going to have to leave as, contrary to what the reservationist says, there's another event scheduled for the room.

On the way out, Ed is approached by Brandi and her mother. Brandi is a 20-ish blonde with a pierced eyebrow and blue contacts. She tells Ed that she's so depressed that she can't keep a job, and the state of Wisconsin refuses to classify depression as a disability, so she is being denied important funds and services. She asks Ed to help. Ed opens his arms and gives her a really big hug, which was all he has to offer. It's probably a lot of what the girl needs, I think to myself. Maybe she needs a spanking, too, I think, and her mother could use a stern lecture about spoiling adult children. But I'm just an observer on this trip.

"What happened to the conference?" I asked Ed.

"We were tossed."

"What?"

"This is a public facility, and you can't hold political rallies in public buildings."

That doesn't sound right; I think they just don't like his politics. I can't believe how calmly he's taking this. I go over to a bulletin board, and pull down a sign that urges single mothers to vote for Democrats and take it to the front desk. "I understand you're not to use this facility for political purposes, so I did you the favor of removing this for you." They glare at me as I leave.

Later, Ed confides in me, "That was funny what you did. You know I still can't believe they did that to me. First thing I'm gonna do when I'm the governor is defund that damn job center."

Rose tells me a story about fishing in Alaska. She and some friends went fishing for sockeye in the Russian River. They had to use flies, which was a little foreign to a Wisconsin group used to using live bait, so they weren't having much luck. Rose got bored so she went back to the cabin to bake some bread. Well, she baked a couple loaves, and

Brandi tells Ed that she's so depressed, that she can't keep a job, and asks him to help. Ed opens his arms and gives her a really big hug.

Ed's friends see him and tell him that nobody knows anything about a press conference today. We start gathering in the waiting area while Larry and Darryl go and try to straighten things out. A couple minutes later the room reservationist comes out and apologizes for the mix-up. "That's fine," says Ed, who has already introduced himself to Cathy of the *Janesville Gazette*, "We'll just do the conference here."

"No, that wouldn't be good," explains the reservationist, "this is too public." That doesn't sound right to me — an event like this is supposed to be public. She sequesters us all in room H. "This one is going to be free all day," she says.

Ed explains to the group that he would let any city that

some Danish pastries, and pretty soon some guys from Washington state were at the door with a stringer of really nice salmon. "Tell you what," they said, give us a loaf of bread and we'll give you three salmon filets." Deal.

When the rest of the fishing party came home that night with their one fish, they were astounded to see the beautiful fillets frying up in the pan. "I told them they were using the wrong bait," she laughs.



The picnic pavilion in Shullsburg is filled to capacity when we get there, and there are four reporters. It's a beautiful September evening, the trees are just getting a whisper of fall color and the Shullsburg Miners are out on the football field just down the hill practicing for the big game this weekend. The coach's whistle is clear in the cool night air. Ed is on fire; he absorbs the energy from the crowd and gives it back. They love him. It's a happy ride home. I notice that the side-view mirror is now completely missing.

I stay at the Tee Pee way too late that night, drinking Pabst Blue Ribbon and trying to get one of the video poker machines to pay out. The next morning, I drag myself back at around 10 a.m. Ed greets me with a ham and cheese croissant. "You just missed Jim," he says. "He brought that 1932 issue of *Liberty* magazine to show you."

We're taking Ed's minivan today, since there's only four of us and it's just a media run down to Madison. The word is that Ed's brother has decided to endorse Scott McCallum, the Republican candidate. Tommy won't endorse Ed, because Ed is not a Republican. "So why aren't you a Republican?" I ask.

"Because I'm a libertarian. I can't be something I'm not. I've been a libertarian my entire life."

"Are you 100% libertarian?"

"I don't even know what that means."

"Well, a lot of libertarians expect every libertarian to pretty much agree on everything. I know that's impossible, but we all seem to be pretty close on a lot of major issues."

"You know," Ed starts, "I got to sit down and talk with

In his heart, Ed was hoping that his brother would surprise everyone and endorse him at the last minute.

Jesse Ventura when he came to see me. He says to me, 'So, you're a libertarian?'

"I said, 'Yah,'

"He said, 'You know, I'm a libertarian too.'

"I said, 'Well then why don't you tell people that you're a libertarian?'

"He said, 'Because the libertarians told me I'm not one.'"

Ed's son Josh is driving today. Adam Dick is coaching Ed as we drive. Adam abandoned a successful legal career to work on Ed's campaign. He left New York City on the morning of Sept. 11, 2001 with the smoke from the Twin Towers in the rearview mirror of the Ryder Truck. I cannot imagine how difficult that first week was. He lost friends in the Towers.

We're not halfway to Madison before the phone starts ringing. It's Charlie Sykes from Milwaukee. Ed has a great chat about how it's wrong that the Wisconsin Broadcasting Association is excluding him from the debates. He met their criteria, so they added more. It's a story heard time and again: established parties don't like the competition, and media outlets don't want to give third parties a shot. Charlie promises to include Ed in any debates held on his radio show. We find out later that after Ed hung up, Charlie warned his listeners that voting for Ed was wasting your vote. Same old story.

Every interviewer wants to ask the same question today, "How do you feel about your brother endorsing Scott McCallum?"

Ed plays it really smooth. "He's under pressure from the party and the White House to do this. It just goes to show the trouble with being a career politician. Look at the power these parties have over career politicians."

We're walking across the University of Wisconsin campus, and all the kids are waving to Ed like he's an old friend. "See all those yellow posters stuck way up on the tower there?" he says. "Those are mine!"

"How do you like knowing that your supporters are vandals?" I ask.

"I love it!"

We go into the student paper, the *Daily Cardinal*, for an interview with its editor in chief. The kids really like Ed, and I don't think it's just because he wants to lower the drinking age to 18 and legalize pot. They're hearing ideas they've never heard before. A lot of kids wander in, and are nodding their heads in agreement. The editor asks, "Did you ever get the engine on the War Wagon fixed?" Everyone laughs.

The last TV interview for the day is WKOW for the evening news. Once again, the question about Ed's brother is asked. Ed finishes the question, but when we leave he is visibly shaken. He rips off his suit coat and takes a shadow punch at a tree branch. I can see that his four years of "Toughman" boxing and Jim's coaching left him quite capable of self-defense.

"Why the hell would anyone ever want to be in public life?" he asks.

I could see that he had just been playing a good cover all day. In his heart, he was hoping that his brother would surprise everyone and endorse him at the last minute. We get in the van. "You know what? For the first time since I started doing this, I feel like I'm losing. I wanted to work from the grass roots up. I've been working twelve hours a day, seven days a week. If I fail, it can't be done."

"I really believed that if I worked as hard as I could, that I could win. This is the first time that I'm thinking that maybe we're not going to. How can you? They stack the deck against you."

Back at the Tee Pee the weekly fish fry is going on. Ed introduces me to all the regulars. Rose comes in and buys me a beer. "I've got some good news for you. Leona and I decided that tomorrow we're both going to send our \$25 in and we're joining the Libertarian Party. How about that? I bet we'll be the oldest new members they ever got." □

Independent in Virginia

by Ken Sturzenacker

The campaign trail is paved with dedication, hard work, and ethnic food.

Neither rain nor wind nor chill of night could keep Jacob Hornberger from campaigning for the U.S. Senate over Labor Day weekend. Hornberger's reports from the trail, which has crisscrossed Virginia and reached nearly 60 cities and towns, had made for such great reading that I had to get in on the action myself.

I set off early Saturday for the state's pork BBQ championships in Richmond, along with Bumper, Karen DeCoster of Michigan, Betsy Summers, Pennsylvania's highest-ranking Libertarian elected official, Bumper's campaign manager Scott McPherson, his wife Charlotte, and their two young children.

The six of us, wearing "Hornberger for U.S. Senate" T-shirts, made Bumper's campaign visible to everyone who came by. As volunteers, we made it possible to cover all the entrances to the site, a luxury Bumper and Scott do not always enjoy.

Band after band of dark, heavy clouds held attendance down during the early afternoon; by 5 p.m., a steady drizzle settled in, chasing away hundreds of people who had come to sample some of the 20 pork BBQ dishes, plus a variety of fried foods, from fish to Oreos. Yes, fried Oreos!

The Richmond hotel we stayed at was the site of a square dance weekend which had drawn a couple of hundred people from the region; Bumper met with several, but didn't take any dancing lessons. By the time we had checked out, perhaps a couple of dozen of the hotel employees also had Hornberger for Senate brochures.

The people we encountered reacted favorably to Bumper's campaign. In most instances, merely telling African-Americans that Bumper is running against incumbent Republican John Warner sparks a big smile and other expressions of approval and support. With no Democrat in

the race, the votes of African-Americans — some 30% of Virginia's population — are up for grabs. And only Jacob Hornberger is deliberately seeking their support.

The early Sunday forecast was for more rain across the Tidewater, so Bumper and Scott decided we should head inland in search of voters. We found some at a brief stop at the Albemarle County Fair, but the bureaucratic mentality — "you have to rent a booth, and stay inside it. You are *not* allowed to roam the fairgrounds to give out brochures" — led to our fairly quick departure.

Turning north, we crossed the Blue Ridge Mountains and Skyline Drive to get to Harrisonburg, one of the four cities in which the Hornberger for U.S. Senate campaign ran radio ads in August.

At the site of one event, we found two. The first and larger was a soccer league match between two of the Hispanic teams in the northern end of the Shenandoah Valley. Spectators lined both ends of the field and along the sidelines where a variety of food was being cooked and served. We spoke with most of the spectators and all of the vendors, and had just enough of the Spanish-language brochures left to give one to every family. We sampled the food (and went back for seconds!) as Bumper talked with league organizers and posed for a photographer who works for two newspapers in the area, one a Spanish-language newspaper which had given him some of the earliest coverage of his campaign.

On the far side of the field people were preparing for an auction of horses used in Western riding and shows. We talked to them, but discovered that most were from outside Virginia, so we headed toward campaign headquarters, Bumper's home in Ashburn, planning to stop and distribute brochures in Warrenton on the way. But it was raining so hard when we got there, that we decided that it just

wouldn't be worthwhile.

Even before the Chinese food was delivered back at Bumper's, we'd already written the first news release of the evening. Soon after dinner, Scott and Charlotte took the children and the leftovers home, while Karen, Betsy, and I started making plans to revisit Virginia for another round of campaigning. □

Beyond the R's and D's

by *Chester Alan Arthur*

It may be an off-year election in which the major parties are playing a tedious game of positioning themselves for slim majorities, but you wouldn't know it from looking at libertarian campaigns.

Finally, Libertarian Party campaigns are making news from coast to coast, although not necessarily in a way that libertarians might wish.

In California, Gary Copeland, the LP candidate for governor, made headlines with a very unusual performance on talk radio. He was a guest on the Brian Whitman program on KABC, Los Angeles. In what might reasonably be characterized as a heated exchange on immigration, the host ordered Copeland's microphone turned off. Here is a transcript of what Whitman then said:

Turn Gary's microphone off please. Gary, this is . . . excuse me Peter, Gary is walking out. Well, don't let the door hit you in the ass, Gary. Hold on Peter, hold on a second. The fact is that this man is a lunatic, Gary Copeland. He is now getting up and he is leaving the studio. The fact is that I give everyone on this show an opportunity to speak. Excuse me, Gary. (Sound of spitting.)

Did you just see that? Mr. Copeland just spit upon me! Did you see that, Nicole? I'd like to call the police please. Mike, will you call the police? Gary Copeland, the Libertarian Party candidate for governor of California just spat upon me, and I will be calling the police, and I will be filing an assault charge against this lunatic.

Whitman was obviously thrilled by what had happened. He made the episode, which he dubbed "loogie-gate," the centerpiece of his website and wallowed in the publicity that followed, including reports by Fox News, CNN, the *New York Post*, the *Washington Post*, the *San Francisco*

Chronicle, and the *Sacramento Bee*.

Copeland was not so thrilled. He was embarrassed about losing his temper and apologized. "I was wrong. I am publicly apologizing to Californians and to Brian Whitman . . . Brian was doing his job and I, in a fleeting moment, had forgotten mine. I am here to fight for liberty, not to create showers of non-verbal condemnation."

The leaders of the California LP were not thrilled either. They had disliked having Copeland as their party's nominee from the start. He had won the nomination in a state-wide primary, in which the party's leadership supported his opponent, former Vice Presidential nominee Art Olivier. But Olivier's name was removed from the ballot because of what the LP leaders called a "voter registration glitch": state law requires candidates to be registered to vote as members of the party whose nomination they seek, and Olivier had not registered as a Libertarian.

Shortly after the incident, California LP Chair Aaron Starr called a meeting of the party's executive committee to consider withdrawing its support of Copeland and urging LP members to write in Olivier's name. It wasn't the first

time that Starr had called on the executive committee to repudiate Copeland. But it was the first time he had enough votes on the committee to do so. The move was academic — the law does not allow party leaders to reverse a primary election — but it got a lot of press, bringing the story to the attention of some important national media. In fact, the executive committee action got considerably more press than Copeland's spittage got on its own.

Whether California's LP leadership is happy to have spread the story more widely is not known. Nor, for that matter, is it known whether Copeland is happy to get the publicity. According to polls, Copeland remains the choice of about four percent of Golden State voters.

Curiously, neither the party leadership's repudiation of Copeland nor Copeland's spitting on the talk show host has made it into one prominent publication: to date, the story has not made the *LP News Online* or the national LP's website.

The other LP story that made the national media comes from North Carolina. It began when Rachel Mills, LP candidate for legislative district 11, was approached by *Playboy* to pose for a photo feature on "The Women of Enron," her employer. She didn't like the idea, but she mentioned it to North Carolina LP Executive Director Sean Haugh, and he suggested that a pinup calendar of libertarian women might be a good fundraiser.

The calendar, quite modest by today's standards, caught the eye of James Carville, who invited Mills onto his television talk *Crossfire*. There Mills ably defended her libertarian views as Carville slobbered and conservative Tucker Carlson was shocked! shocked! Like the Copeland story, the item was picked up by the national media as a novelty item. Unlike the Copeland story, it managed to make the *LP News* website.

Other Races to Watch

LP politics is, of course, only a sideshow in the American process. But this year, the Republicans and Democrats are

"Turn Gary's microphone off please, Gary is walking out. Well, don't let the door hit you in the ass, Gary. The fact is that this man is a lunatic. He is now getting up and he is leaving the studio. The fact is that I give everyone on this show an opportunity to speak."

running campaigns almost bereft of issues, making it difficult to identify any whose outcomes might indicate changes in the political direction of the country. Republicans have stressed the importance of supporting the president in his War on Terror and his proposed war on Iraq and tried to avoid discussion of the economy, which they do by basically accepting a somewhat watered-down version of the Democrats' views on the economy. Democrats believe the president's popularity is so high that challenging his wars

would be political suicide, so they generally support them, or at least watered-down versions of them and talk mostly about economic issues. I am sure that some seats in Congress and state houses will change hands, but it will be hard to find any meaning in the changes.

But there are other races with libertarian involvement that merit attention.

In three races for the U.S. Senate, the libertarian candidate is challenging an incumbent with no opposition from the other major party. Historically, libertarians tend to get much higher vote totals in races without candidates from both major parties, and that'll likely be the case this time as well.

In Virginia, former LP presidential candidate Jacob "Bumper" Hornberger is running a shoestring guerrilla-type campaign against Republican incumbent John Warner. Jim Lark, former national chair of the LP and a power in the Virginia party, opposed his candidacy, so he decided to run as an independent. He faces another independent, a female LaRouchie who got 18% of the vote when she challenged Warner twelve years ago. Hornberger has raised about \$30,000 so far. He's spent \$10,000 on radio advertising and the balance on travel, brochures, a website, and aerial banners. During the first part of his campaign, Hornberger, a personable guy, stressed personal appearances, seeking the votes of African-Americans and conservative voters who are unhappy about Warner's opposition to gun rights. In mid-September, he cut back on personal appearances and is concentrating on using his website as a campaign tool. His website has won some awards, but I doubt it will win many votes.

In Massachusetts, Michael Cloud is running as the Libertarian Party nominee against popular Democrat Sen. John Kerry. His campaign has raised about \$200,000 so far, and it's spending money primarily on yard signs, bumper stickers, and advertising in gun publications. Cloud says he is focusing his energy on the Massachusetts ballot measure to repeal the state's income tax.

After I wrote a brief reflection on the Hornberger campaign in the September *Liberty*, contributing editor David Boaz emailed me that, although he lives in Virginia, he'd not even heard of Hornberger's campaign. He offered to bet a dollar that Cloud would do better in Massachusetts than Hornberger would do in Virginia. I took him up on the bet.

I mentioned this to Cloud, and he told me that I was a sucker. He said that he would get "17% to 23% of the vote," and had a "gut feeling" that he might do even better, while Hornberger would get only "about seven percent" of the vote. Despite his confidence, I haven't kissed my dollar good-bye. Cloud has two major advantages: he has far more money to spend in his campaign, and he is the only opponent the major party incumbent faces. Hornberger has practically no money, and there is another independent candidate in his race, so the anti-incumbent vote will be split. On the other hand, Hornberger is running as an independent, a political identification with which many voters identify, while Cloud is running as a Libertarian.

There's another LP Senate candidate who faces only a

single major party opponent. In Kansas, Steven A. Rosile is challenging popular Republican Senator Pat Roberts. Rosile's campaign hasn't attracted much publicity, despite his call for repeal of the 17th amendment.

The anti-income tax measure in Massachusetts is the work of Michael Cloud and Carla Howell and is reportedly getting support from 40% to 45% of the voters. Cloud hopes that the measure, whose public spokesperson is Howell, would help her race for governor. That contest has a high profile, thanks to the aggressive campaign of Republican Mitt Romney in what is normally a fanatically Democrat state, and is perceived to be close, which will probably

Michael Cloud told me that if Thompson's campaign had been willing to pay him a 30% commission, he could have raised \$250,000 for it.

depress Howell's vote total. Cloud, who is managing her campaign as well as the anti-tax campaign and his own Senate campaign, predicts that she will get more than 10% of the vote, "enough to cost Romney the election."

Cloud also predicts that Ed Thompson will get 6% to 8% in his race for governor of Wisconsin. He believes the campaign could have done much better if it had raised more money. He told me that if it had been willing to pay him a 30% commission, he could have raised \$250,000 from major donors, but the campaign didn't want to pay that much and Cloud "didn't want to use up that much goodwill for nothing."

The other race worth watching is in South Dakota, where

a jury nullification measure is on the ballot. "Initiated Constitutional Amendment A" would amend the state's constitution to guarantee that defendants in criminal cases would have the right "to argue the merits, validity, and applicability of the law, including the sentencing laws." Neither side has done any advertising yet, but the measure has garnered a lot of press in the state and around the country. No polling on the issue has been published, but observers think the initiative has a good chance of passing. One reason it is garnering public support is the publicity surround the late-August trial of Matthew Ducheneaux, a Native American quadriplegic who uses marijuana to control muscle spasms. He was convicted of smoking marijuana after a judge ruled that he could not inform the jury of his medical need for the substance. Even the prosecutor admitted that he did not want to prosecute Ducheneaux, let alone convict him.

And, of course, there is the well-publicized ballot measure to legalize possession and use of small amounts of marijuana in the privacy of one's home. In July, local polls showed voters evenly split on the measure. The head of the Nevada Conference of Police and Sheriffs polled the organization's board members on the subject and found them in favor of the measure. He issued a statement endorsing the measure. This touched off a storm of controversy, and the board took a formal vote, this time opposing the measure. Since then police organizations around the state have begun a major campaign against the measure, and the White House Drug Czar has announced that the federal government will also finance a campaign against it. Support is falling. The most recent poll, conducted on August 26 and 27 by Mason-Dixon Polling, showed the measure failing by 15%. □

Reflections, from page 18

Another possible mission would be to focus on promoting the economic and social thought of Ludwig von Mises. Mises, who was selected by editors of this magazine as Libertarian of the Century, was long closely associated with FEE, and supporting Misesian scholarship and popularizing his thinking would be a excellent fit for the organization.

Yes, I know that the Ludwig von Mises Institute was established for this purpose. But promoting Mises' thought is only the ostensible purpose of the Mises Institute: anyone who looks carefully at its record quickly concludes that its real mission is to promote the thinking of Murray Rothbard, a student of Mises whose thinking and intellectual agenda was quite different from Mises. Rothbard was an anarchist who more or less promulgated the Soviet view of American foreign policy, along with a ragbag of other beliefs having little or nothing to do with Mises' thinking, which taken together, in Rothbard's view, constituted an entirely new intellectual discipline. Mises advocated democracy with very limited powers and didn't share Rothbard's more fragrant historical beliefs and theories. Mises and Rothbard also had several important, though arcane, disagreements

about economics.

As if to underscore its allegiance to Rothbard rather than to Mises, the Institute has recently republished the 1949 edition of Mises' magnum opus, *Human Action*, rather than the subsequent editions prepared by Mises himself. Mises Institute President Lew Rockwell reportedly claims that he believes the 1949 edition to be "more scholarly," but cynics observe that the main substantial differences between it and subsequent editions is that it lacks Mises' criticism of Rothbard. Certainly some competition with Rockwell's strange version of Mises would be a healthy thing.

Of course, I don't know all that has gone into the deliberations of FEE's board, and for all I know it has discussed the situation along these or more fruitful lines. (I am not a member of the board, though a board member contacted me and offered to nominate me earlier this year. I talked to Skousen about the possibility of my joining the board, and he was unenthusiastic, so I let the matter drop.)

FEE is the nearest thing the libertarian movement has to an institution, and its continued health is important both to the movement and to the cause of liberty. I hope that FEE's trustees find a way to renew FEE's vitality and redefine its mission.

—R.W. Bradford

Ms. Coddington Goes to Wellington

by Deborah Coddington

In July, Deborah Coddington was elected to the New Zealand Parliament as a candidate of the ACT Party.

Coddington, a widely read journalist, had previously been deputy leader of the Libertarianz Party, and twice run for Parliament on its ticket.

This, her maiden speech in Parliament, shows what liberty looks like from the south side of the globe.

Mr. Speaker, congratulations on your appointment as speaker for the new term of the 47th Parliament.

My decision to stand for Parliament raised eyebrows among some of my former colleagues in the media. As a member of the fourth estate they considered I was abandoning my role of holding the third estate to account.

I was expected to provide an explanation for wanting to leap the divide.

As an issues-driven journalist I campaigned against sex offenders, child abuse, the slow death of the academic curriculum, the introduction of the NCEA, the dissolution of the family.

While many of my friends in the media railed against the invisible hand of the market, I feared the visible boot of government. It stamps on individual liberties and puts its toe into the private lives of adults — from their employment contracts to their choice of television viewing, and latterly that most private of relationships — what is agreed in the bedroom.

But now I am a member of this Parliament and therefore, some would say, part of the force behind the bossy boot of the state.

But I am here as a member of the ACT Party, the only party that unashamedly promotes small government and a liberal vision.

Big government, like any domineering body, is most harmful to those who are vulnerable, who are struggling, those desperately seeking happiness.

I am reminded of the inscription on the Statue of Liberty:

Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore,
Send these, the homeless, tempest-tost, to me,
I lift up my lamp beside the golden door!

The U.S. Coast Guard does not find people swimming from Florida to Cuba through shark-infested waters. And despite her many faults and aberrations, America is still a beacon of freedom and prosperity.

But what is freedom? As a crusading journalist I have seen what freedom is not.

Freedom is not the family whose lives are blighted because they discovered the man they trusted, a respected member of the community, was granted name suppression and

moved freely through society sexually abusing children in his care.

Freedom is not manifest in the lives of children like James Whakaruru, a Hastings 4-year-old savagely beaten to death by his mother's boyfriend, imprisoned once already for beating James. This killer, when released, resumed assaulting James on a weekly basis. In April 1999, despite the fact numerous officials knew James was at risk, the state's agents failed to protect him.

James was stomped on, punched, kicked, choked, thrashed with a jug chord, beaten with a vacuum cleaner

Big government, like any domineering body, is most harmful to those who are vulnerable, who are struggling, those desperately seeking happiness.

pipe, a hammer, and a drawer — all over a period of two days — until his internal organs could take no more and he died.

Justice Wild, when sentencing James' killer, said: "All through this beating James apparently said nothing, but stared blankly at you, I daresay wondering why you were doing these terrible things to him. Sadly, a judge like me hears and sees evidence of many dreadful and awful things. However, the photographs in evidence in this case taken of James upon his admission to hospital and subsequently during the post mortem examination are shocking and distressing. I must admit that it is beyond comprehension to me how any adult could inflict injuries of this sort to a little child."

When I wrote the original story on James' death for *North & South* magazine I asked defence counsel for the killer why James' mother returned to her boyfriend despite placing her child in danger. He said, "You have to understand, without James she lost her income and her house."

Freedom is not condemning 1 million New Zealanders, as a recent literacy survey showed, to a life bereft of the advantages, benefits, and unremitting joys of discovering knowledge. Today nearly 20% of young New Zealanders are leaving school without the basic literacy and numeracy skills required for everyday living.

Unable to sign off on Health and Safety regulations they'll not find work in factories. Confused about the instructions on a contraceptive pill packet, they may bear unwanted children. Seduced by no-deposit, interest-free hire purchase, they could sink into crime under a crushing pile of debt.

I am totally in favor of a compassionate and supportive welfare net which helps people with dignity. But making able-bodied, intelligent, healthy people permanently dependent on the state is one of the worst things you can do for them.

Welfare should be there for the truly vulnerable, not the corporates who successfully lobby governments to pass

laws protecting their wealth. Picking a corporate winner inevitably results in a taxpayer or consumer loser. Those most adversely affected are those on low incomes with children.

Freedom is not forcing struggling families to pay more than they need to for shoes and clothes because of tariffs which protect corporate bosses.

Freedom is not granting special privileges to unions by raising the minimum wage levels. The unemployed will always be competition to the unions and governments should not bow to union bosses' demands for protection from their competition.

Increasing the minimum wage condemns more people to a lifetime of dependency, deprived of the chance to acquire more skills and knowledge.

Freedom is not telling parents which school they must send their children to. As a board member of a large government secondary school I have had to administer unfair zoning regulations which prevent parents from poorer suburbs sending their girls to what they see as the best school.

Unable to afford a house in the grammar zone, or to go private, their children must go to the nearest local school. For many disadvantaged children, education is their one ticket out of poverty. If they miss this bus, their futures can be very difficult.

We allow employees the freedom to choose whom to work for without legal constraints based on gender, age, appearance, and ethnicity, but we refuse those same liberties to employers.

We have a country that was built, in part, by pioneering men and women making lives for themselves in a remote

While others railed against the invisible hand of the market, I feared the visible boot of government. It stamps on individual liberties and puts its toe into the private lives of adults.

and difficult land. They were self-reliant, they helped each other, and fundamental to their turning New Zealand into a First World country was the protection of their property rights.

Today private property owners must get permission from the state to make even the subtlest improvement to their own land. I have seen a man fined \$20,000 for turning a muddy eyesore into a duck pond.

Edmund Burke once stated that bad law is the worst form of tyranny. The Resource Management Act certainly fits that description.

New Zealanders are concerned about equity. We honor the concept of an equitable society, but this should mean a society where individuals have the same rights to pursue their own personal interests, provided they tread softly, not on the dreams of others.

A free and fair society helps the poor by promoting jobs

continued on page 36

Science vs. the State: The Case of Kennewick Man

by Timothy Sandefur

A Federal District Court has thrown out the Clinton administration's plea to destroy important evidence of culture in prehistoric America, but it cannot undo the politically-motivated destruction of an important archeological site.

Almost 10,000 years after his death, Kennewick Man may finally be let out of his tomb, thanks to a decision in a federal trial court. The skeleton, or what is left of it, has been the subject of an intense legal battle between scientists and fundamentalist Indians who insist on their right to bury the skeleton, out of the reach of science.

The controversy (reported in "Creationism: Not Just for Fundamentalists Anymore," December, 2000) began in 1996, when a group of boating enthusiasts discovered human bones beside a riverbed near Kennewick, Wash. The skeleton proved to be 8,500 to 9,000 years old, rousing the curiosity of scientists who had thought that immigration to North America had been more recent. More intriguing still, the skeleton's features resembled Asian tribes more than North American Indians.

But under the Federal Native American Graves Restoration and Protection Act (NAGPRA), skeletons that have a "cultural affiliation" with an Indian tribe must be turned over to that tribe for burial. The Umatilla, Yakama, and Colville tribes demanded that the skeleton, which they call "the Ancient One," be delivered to them for "repatriation," and the Bureau of Land Management obliged. A group of scientists objected; the skeleton did not reveal any "cultural affiliation," or even physical resemblance, to members of these tribes. They filed suit, and the Army placed the skeleton in storage, pending the outcome of the suit.

The lawsuit had all the makings of racial-political demagoguery, and indeed, the Clinton administration seemed to be intent on playing it for multiculturalist point value. The Army Corps of Engineers ordered a stop to any DNA test

ing on the skeleton, and on orders from "the White House" (nobody quite knows from whom, exactly), dumped 1,000 tons of rock on the site where the skeleton was discovered, to ensure that no further bones or artifacts could be unearthed. The Army also allowed Indians to perform rituals over the skeleton which contaminated it with foreign DNA. After the ceremonies, some of the bones were taken and buried (nobody quite knows by whom), but the Corps refused to allow scientists to examine the skeleton. The bones were badly handled — at one point, the skull was held together with rubber bands, some bones were kept in a paper sack, and the femurs disappeared only to be found, five years later, in a cardboard box in the coroner's office. The Department of the Interior, taking the case over from the Corps, held secret meetings with the Indian tribes in preparing for the litigation.

In late August, after a five-year lawsuit, the Federal District Court in Oregon announced its decision (*Bonnickson, et al. v. United States*). Noting the "unfair" and "biased" activities by the Army Corps of Engineers and the Department of the Interior, the court said that the decision that the skeleton was "culturally affiliated" was based solely on the age of the remains and the fact that they were discov-

ered in American soil. This, the court held, is insufficient. "The term 'Native American' requires, at a minimum, a cultural relationship between remains or other cultural items and a present-day tribe, people, or culture indigenous to the United States. A thorough review of the 22,000-page administrative record does not reveal the existence of evidence from which that relationship may be established in this case." In fact, the evidence "would not support a finding that Kennewick Man is related to *any* particular identifiable group or culture." To define "Native American" as including "people or objects with no relationship to present-day American Indians" would be "absurd."

Under the Defendants' interpretation, possibly long-extinct immigrant peoples who may have differed significantly — genetically and culturally — from any surviving groups, would all be uniformly classified as "Native American" based solely upon the age of their remains. *All* pre-Columbian people, no matter what group they belonged to, where they came from, how long they or their group survived, or how greatly they differed from the ancestors of present-day American Indians, would be arbitrarily classified as "Native American," and their remains and artifacts could be placed totally off-limits to scientific study. This court cannot presume that Congress intended that a statutory definition of "Native American" requiring a relationship to a "tribe, people, or culture that is indigenous to the United States" yield such far-reaching results.

The court concluded that it "cannot be confident of [the government's] ability to decide a matter fairly," and thus, in

The skull was held together with rubber bands, some bones were kept in a paper sack, and the femurs disappeared only to be found, five years later, in a cardboard box in the coroner's office.

an unusual move, ordered the government to allow the scientists access to study the skeleton.

The Kennewick Man controversy reveals some of the wounds that racial and religious politics have opened in this country. Indian tribes, supposedly sovereign nations, have been subjected to such mistreatment and ignorant meddling that they have turned to the powerful influence of collectivist notions of ethnic and political "solidarity." Rather than being interested in the truth about their origins, they, like fundamentalist Protestant communities, have instead embraced a form of literal creationism best summed up in a statement by Armand Minthorn, religious leader of the Umatillas, and one of the defendants in the suit: "From our oral histories, we know that our people have been part of this land since the beginning of time. We already know our history. . . . My people have been here since time began. I know how the world began, and I know how the world will end." Just like fundamentalist Christian sects, the Indians see themselves as the victims of a modernizing world, and

see scientific analysis as intrusion and exploitation. One can see their point: to them, this is tantamount to graverobbing, a practice which, in the 19th century, was quite common in Indian graveyards. You wouldn't want scientists playing with your grandma's bones, either.

But these bones are thousands of years older than the formation of the Umatilla tribe. Any connection to the current tribe, if there is any, is so distant as to push the boundary between respect for the dead and absurd mysticism. At some point, a skeleton stops being a relative and becomes an artifact. If that point hasn't been reached in the case of the Kennewick Man, when is it reached? One answer might be when "cultural affiliation" can no longer be established. But this presents three problems: first, the criteria for establishing "cultural affiliation" are as vague as politics, rather than being as precise as science. Second, NAGPRA's provisions

Just like fundamentalist Christian sects, the Indians see themselves as the victims of a modernizing world, and see scientific analysis as intrusion and exploitation.

for dealing with "unaffiliated" skeletons are still under review, and may end up not allowing scientists any say in the matter at all. Third, societies which pride themselves on continuity and tradition will find "cultural affiliation" easier to establish — by any criteria — than societies which seek dynamism and discovery. To make things more difficult, the former sorts of societies have explicit constitutional protection in the "free exercise" clause, while the latter have none. As Richard Dawkins puts it, "If you say 'Look, here is overwhelming evidence from carbon dating, from mitochondrial DNA, and from archaeological analyses of pottery, that X is the case,' you will get nowhere. But if you say 'It is a fundamental and unquestioned belief of my culture that X is the case' you will immediately hold a judge's attention."

This quandary puts liberals in a particularly difficult position. On one hand, the scientific community has always sought a better understanding of the natural world, to provide for "the relief of man's estate." They have consequently been more liberal, believing (rightly) that conservatism's emphasis on culture and traditionalism, and distrust of reason, skepticism, and free speech, are incompatible with that understanding. Fundamentalism is science's enemy, and it belongs squarely in the Republican Party. On the other hand, liberalism's emphasis on Tolerance at All Costs Except for Western Civilization has brought about a liberal hostility toward science itself. Science is now the intrusive mechanism of Western logocentrism; a form of exploitation and "rape of the natural world." Postmodernists, "deep green" environmentalists, militant feminists, and outspoken black history professors, have all turned the left against the Enlightenment and its products; as environmentalist Kirkpatrick Sale says, "Nothing less than a drastic overhaul

continued on page 53

How Fat Are We?

by Randal O'Toole

America's obesity "crisis" is not the result of fast food, but of fast and loose manipulation of evidence.

A few years ago, at a *Liberty* editors' conference, Bill Bradford asked, "Now that the tobacco case is just about settled, what will lawyers and left-wing activists demonize next?" Several people guessed fattening food; I suggested instead, automobiles.

Soon after, Al Gore declared war on sprawl and the automobile. A Sierra Club lawsuit stopped all highway construction in Atlanta and Congress passed legislation that gives more funding to mass transit systems that carry less than 2% of American travel than to highway systems that carry nearly 90%.

Yet the war on fattening foods was not far behind. Recent announcements by the surgeon general and Centers for Disease Control and Prevention have proclaimed an "obesity epidemic." Nutritional activists urge people to sue fast-food restaurants and food manufacturers for making them fat. At least one such lawsuit has already been filed. They also want government to regulate food advertising aimed at children, tax high-calorie foods, and subsidize nutritious low-calorie foods.

The anti-fat and anti-automobile campaigns have even converged. Anti-auto and anti-suburb urban planners claim that suburbs and automobiles are a public health menace because they encourage people to get fat rather than exercise. They recommend a dose of high-density housing and auto-free downtowns. Yet the data show that inner-city residents tend to be more obese than those in the suburbs.

In fact, there are no clear data showing that there is an obesity epidemic at all. The only evidence for it is unverified telephone surveys whose results differ from actual measurements of American weights.

The basic source for the claim that there is an obesity epidemic is an annual CDC survey indicating that the share of Americans who are obese has increased from 12% in 1991 to more than 19% in 2000. The CDC defines "obese" as having a body-mass index (BMI) of 30 or more. "Overweight" is a

body-mass index of 25 or more. BMI for adults is calculated by dividing a person's weight in kilograms by the square of their height in meters. For those who are not yet metricized, multiply your weight in pounds by 703 and divide by the square of your height in inches.

Without naming any names, if you are a balding researcher who is 5 feet 7 inches tall and weighs 159 pounds, your BMI is a marginally satisfactory 24.9. However, if you creep up to 160 pounds, you fall into the overweight category with a BMI of 25.1. Sadly, this means that our hypothetical researcher probably shouldn't have the Valrhona chocolate mousse that everyone else is enjoying for dessert tonight.

Some people have questioned the CDC's method of measuring obesity, pointing out that by CDC definitions, most NFL football players would be considered obese. While it is true that the body-mass index fails to measure fat vs. other kinds of body materials, there are even more significant sources of error in the CDC's surveys.

If you believe the CDC surveys, breakdowns of obesity levels by state show some rather alarming trends. In my home state of Oregon, for example, less than 15% of adults were considered obese in 1995, but by 2000 more than 20% were obese.

Some states are even worse: Georgia's obesity rates more than doubled between 1991 and 1999, from less than 10% to more than 20%. Obesity increased in every state during that time period, with the greatest increases in the South and Midwest. Surgeon General David Satcher has called the obesity epidemic a "crisis" because obesity supposedly kills

325,000 Americans a year and adds \$117 billion to annual health care costs.

What happened between 1990 and 2000 that would explain this sudden ballooning of the American public? The popular explanation is that people are eating fattier foods and exercising less. However, I can think of three other explanations that make more sense.

First, the explanation for just about every demographic trend in modern America: baby boomers. Perhaps they got older, exercised less, but kept eating. The problem with this is that the CDC claims that the most fattened adult age class is 19- to 29-year-olds and that children are also getting fatter.

A second explanation for increased obesity rates can be found in the declining unemployment and rising incomes of

The only evidence for an obesity epidemic is unverified telephone surveys whose results differ from actual measurements of American weights.

the 1990s. As Paul Fussell observes in his 1983 book, *Class*, obesity is in large part a class phenomenon. One hundred years ago, it was fashionable among the wealthy to have a paunch, and men's clothes were even designed to emphasize one. This is what led to the popular notion of wealthy people as "fat cats."

Today, of course, the middle and upper classes prefer to be fashionably thin, but working class people tend to be overweight. CDC researchers agree that "lower economic status . . . is associated with obesity." Just as weight indicated wealth a century ago, it indicates security today. Perhaps the booming '90s saw unemployment rates at near-record lows, enabling more people to earn enough money to feed their families enough to become overweight, without acquiring the upper-class aversion to fat.

A close look at the obesity statistics supports this notion. According to CDC data, obesity is growing fastest among Hispanics. CDC data also indicate that the most obese children are African-American girls, 17% of whom are overweight compared to less than 12% of other groups. A study from the New Jersey University of Medicine finds that 22% of Hispanic and black children are likely to be overweight compared with only 12% of non-Hispanic white children.

If there is an obesity epidemic, then, it may merely reflect a healthy economy that has provided enough jobs to bring low-income people out of poverty and into obesity. If so, then one sure cure for the epidemic would be a good, long recession. Policies aimed at such a recession would make as much sense as trying to cure congestion by stopping new highway construction and putting barriers in existing roads — which, of course, are the policies recommended by anti-sprawl forces.

The best explanation is that the numbers are simply wrong. They are based on a random telephone survey of people's heights and weights done by state health officials and coordinated by the CDC. Only 21 states participated in the survey in 1985. By 1990, all but five (mostly thinly populated) states reported in, and all joined by 1994.

How accurate is a telephone survey? Without naming any specific genders, a lot of people I know won't even tell their husbands how much they weigh, much less a complete stranger calling on the phone. At the same time, people of a completely different gender tend to overstate their height. (Our hypothetical researcher would like everyone to know that he is really 5 feet, 7.5 inches tall, but modestly used 5 foot 7 for the purposes of this article.)

Because so many people underestimate their weight or overstate their height, CDC researchers assume that actual obesity rates are much higher than are revealed by their telephone surveys. Indeed, they point out that real measurements of large numbers of Americans reveal much higher rates of obesity — 22% — than any of the telephone surveys, which so far have never recorded rates as high as 20%.

Thus, the obesity epidemic may really be a truthfulness epidemic. Perhaps interviewers in recent years prodded interviewees a bit harder to get more accurate results. Or perhaps people are more willing to admit they are overweight because so many popular writers blame obesity on McDonalds, Coca-Cola, Frito-Lay, and other food makers rather than the overweight people themselves.

Stephen Milloy, who publishes the junkscience.com website, calls these numbers "unadulterated junk science" since the data collected by telephone were never verified. Milloy suggests that reports of a fat epidemic are coming from bureaucrats and academic researchers who simply want to expand their budgets and power.

I downloaded data from the ominously named Behavioral Risk Factors Surveillance System, the annual poll that the Centers for Disease Control claims is "the world's largest telephone survey." The CDC and state public health agencies contact close to 200,000 people a year and ask them hundreds of nosy questions about their health and opinions.

The CDC brags that the survey has had major influences on public policy. For example, it says, the survey's finding that most people think second-hand smoke is dangerous convinced the Oregon legislature to ban workplace smoking. Whether second-hand smoke really is dangerous seems to be beside the point.

Using the downloaded data for 2000, I compared BMI with income, education, and race. The average BMI of all the people surveyed (at least, all those who gave their weights and heights) was 26.4, and 20.4% of them were obese. The first table confirms that BMI is strongly correlated with household income: the lower the income, the higher the BMI and the higher the obesity rate.

Household Income	Average BMI	Percent Obese
<10,000	27.3	27.5%
10,000-14,999	27.2	25.7%
15,000-19,999	26.8	24.0%
20,000-24,999	26.7	23.1%
25,000-34,999	26.5	21.1%
35,000-49,999	26.5	20.8%
50,000-74,999	26.3	18.6%
75,000+	25.7	15.1%

BMI is also correlated with education: the lower the education, the higher the BMI and the higher the obesity rate.

The only exception is the category of people with no education. This is probably heavily stocked with recent immigrants, as 38% of this category is Hispanic compared with 8% of the total.

Education	Average BMI	Percent Obese
None	27.4	25.2%
Grade 1-8	27.6	28.3%
Grade 9-11	27.2	26.2%
Grade 12	26.7	22.3%
College 1-3	26.4	20.6%
College grad	25.7	15.4%

Asians (including Pacific islanders) have the lowest BMIs, followed by non-Hispanic whites, Hispanics, Native Americans, and blacks. "Other" is somewhere in the middle.

Race	Average BMI	Percent Obese
Black	28.2	31.6%
Native American	27.8	29.1%
Hispanic	26.9	22.7%
Other	26.8	22.6%
Non-Hispanic White	26.2	19.2%
Asian-Pacific	24.3	8.3%

BMI is also correlated with age: BMIs and obesity rates peak in the 50-59 age category and fall with decreasing and increasing age away from that category. This tends to support the baby boomer hypothesis.

Age	Average BMI	Obesity Rate
<30	25.0	14.3%
30-39	26.4	20.0%
40-49	26.8	22.6%
50-59	27.4	25.5%
60-69	27.2	24.3%
70+	25.8	16.0%

Stephen Milloy cites an editorial from *The New England Journal of Medicine* questioning the surgeon general's claims that obesity causes 325,000 deaths or more per year — and, by implication, the claim that the health costs of obesity are more than \$100 billion per year. "That figure is by no means well established," says the *Journal*, adding, "Most of the evidence is either indirect or derived from [studies with] serious methodological flaws."

More than one recent study has found that weight is less important to health as you get older. Our hypothetical researcher, whose 50th birthday is imminent, will be reassured to know, for example, that people over 50 can have BMIs as high as 32 and not suffer any greater mortality than people with BMIs under 25. Researchers add that, unless such people have heart disease, diabetes, or some other obesity-related disease, asking them to diet "might unjustifiably decrease their perceived quality of life."

CDC and other nutritional researchers have a strong incentive to claim that we are suffering from an obesity epidemic, for such claims are likely to lead Congress to direct more research and other funds to them. Yet these claims are hardly new. "Overweight is so common that it constitutes a national health problem of the first order," said the Metropolitan Life Insurance Company in 1942. In 1952, the director of the National Institutes of Health declared that

obesity was the nation's primary health problem.

Yet it remains true that some Americans are obese and that severe obesity is associated with heart disease, diabetes, and other health problems. To what extent do the suburbs cause that obesity?

The detailed data suggest that, if anything, people living in cities are more obese than than those living in suburbs. While many minorities are moving to the suburbs, Hispanics and blacks remain concentrated in cities and the suburbs remain heavily white. It appears that location tends to be less important than income.

A report from an anti-auto group SprawlWatch insists that the "built environment" contributes to obesity because it encourages auto driving rather than walking or cycling. But another finding of the CDC telephone survey is that the amount of physical activity Americans undertake has *not* changed substantially in the last decade.

In fact, says another report, "the activity levels of Americans appear to have changed little, if at all, from the 1970s to the 1990s." This indicates that increased driving and the built environment have nothing to do with any recent changes in obesity rates.

Despite this finding, the report's authors recommend that "cities, zoning authorities, and urban planners" should "modify zoning requirements, designate downtown areas as pedestrian malls and automobile-free zones, and modify res-

If seriously obese people do in fact die younger than thinner people, it may be that the health costs they impose on society are lower, not higher, than average.

idential neighborhoods, workplaces, and shopping centers to promote physical activity." Among the other recommendations are to "Designate an annual National 'No-TV' Week," restrict advertising of high-calorie foods on children's television, tax high-calorie or high-fat foods, and subsidize low-calorie nutritious foods.

These and 26 other recommendations are made with absolutely no assessment of their efficacy. Before elected officials and government bureaucrats start implementing such policies, they should find out whether they will work or whether they will do more harm than good.

Anti-sprawl activists are also quick to note that children today are less likely to walk to school and more likely to have their parents drive them. But this isn't a suburban phenomenon either. Before 1980, 80% of American schoolchildren walked to school. By 1990, less than a third did.

Yet 57% of American families didn't move to the suburbs during the 1980s. Instead, something else must explain this change.

The answer seems to be milk cartons — specifically, the "missing children" campaign that crested in the 1980s. This media-generated panic turned out to be phony — the vast majority of the "kidnapped" children had been taken by one of their family members in a custody dispute. Yet CDC Dr. William Dietz believes that "parental fear about kidnapping"

is one of the major reasons why children today get less exercise than they did 20 years ago.

Eric Schlosser, author of *Fast Food Nation*, has a different take on sprawl and obesity. He argues that fast-food restaurants such as McDonalds were "a catalyst" to sprawl. And he also blames those fast-food restaurants for the obesity epidemic, claiming that the price paid for fast food fails to account for the "real price" of the meal, mainly the social cost of obesity.

Schlosser's view is underscored by George Washington University law professor John Banzhaf, who takes credit for helping "come up with the idea of suing tobacco companies as a way of shifting the cost of smoking from the nonsmokers to the smokers." Now he argues that the oft-cited \$100 billion cost of obesity is partly paid "by people who maintain

The survey's finding that most people think second-hand smoke is dangerous convinced the Oregon legislature to ban workplace smoking. Whether second-hand smoke really is dangerous was beside the point.

a healthy weight in the form of higher taxes and health insurance." Banzhaf is urging people to sue food companies for imposing those costs on society.

This is a difficult case for lawyers to make because, in contrast to smoking, fatty foods produce no "second-hand fat." It will be hard to prove that a particular food contributed to obesity, that obesity caused a particular health problem, and that that health problem imposes costs on people who don't suffer from it. And if seriously obese people do in fact die younger than thinner people, it is possible that the health costs they impose on society are actually lower, not higher, than average.

So some nutritionists go beyond Banzhaf and advocate suing food companies just for selling people fatty foods. The ironically named Marion Nestle, a nutrition professor at New York University and author of the forthcoming book, *Food Politics: How the Food Industry Manipulates What We Eat to the Detriment of Our Health*, observes that "The function of the food industry is to get people to eat more, not less."

"There's a lot of people who benefit from people being fat and sick," Nestle claims elsewhere. "So the response to the food industry should be very similar to what happened with the tobacco companies," meaning that food companies should be sued for making people fat.

This is a common theme of the anti-corporate, pro-government movement: people are so easily manipulated by advertising that they need government regulation to protect them from things they shouldn't do. Anti-fat activists argue, for example, that vending machines should be banned from schools so that students aren't given the opportunity to buy junk food.

Indeed, many food activists want to demonize fatty foods just as tobacco has been demonized. "I want to get to the point where people are in the hallway and see a vending

machine and say, 'That's bad, that shouldn't be there,' in the same way as if they saw a cigarette vending machine," says Tom Farley of the Tulane University School of Public Health and Tropical Medicine.

In fact, *Newsday* columnist Meredith Berkman recently filed one of the first anti-fat lawsuits against the manufacturer of a snack food called Pirate's Booty. In December, 2001, the Good Housekeeping Institute tested Pirate's Booty, which is basically flavored puffed rice, and found that it contained three times as much fat as the label stated. The manufacturer, Robert's American Gourmet Foods, blamed the problem on a change in its manufacturing process and immediately recalled the product from store shelves.

Nearly four months after the recall, Berkman filed a \$50 million class-action lawsuit against Robert's Foods, claiming "emotional distress" and nutritional damage because she had fed Pirate's Booty to her daughter. The complaint claims to represent all consumers who ruined their diets and had to spend more time at the gym because they ate mislabeled Pirate's Booty.

Of course, manufacturers should not mislabel the nutritional content of packaged foods. But in a broader general sense, can McDonalds hamburgers, Hostess Twinkies, and Ben and Jerry's ice cream be blamed for making people fat?

Frank Zappa once promised, "there will come a time when you won't even be ashamed if you are fat." If the left has its way, we will reach that time not because we no longer find fat to be aesthetically repugnant but because we can blame fat on giant corporations instead of ourselves.

Michael Pollan takes a different attitude in his recent book, *Botany of Desire*. Pollan is no friend to the food industry and makes it clear that he opposes, for example, genetically manipulated foods. He also notes that refined sugar is a recent phenomenon: a little more than a century ago, few people could afford most sweets.

But he tries to imagine what it was like the first time in prehistory that someone tasted honey or some other sugar. The closest he can come is to recall his 1-year-old son's reaction when he tasted his birthday cake; the first time he was treated to a sweet. A look of wonderment came over his face, as if to say, "Why didn't you tell me there was something like this in the world? I am going to dedicate the rest of my life to getting more of it." And, Pollan notes, "he pretty much has."

Pollan's son was too young to be manipulated by advertising or the food industry. The lesson is that diet and physical activity are matters of self-discipline (or, in the case of children, parental discipline). Fast-food restaurants and other parts of the food industry sell things that people want, and the industry is subject to enormous selection pressures filtering out things that people don't want. The health-food and weight-loss segments of the industry are each multi-billion dollar industries in their own right.

To the extent that it is a real problem, obesity is a personal problem, not a social problem. Lawsuits won't solve it, nor will taxes on fat, subsidies to low-fat foods, censorship of advertising, or restrictions on auto driving. The government should stay out of our kitchens, supermarkets, and restaurants. □

Shakedown in Johannesburg

by Robert H. Nelson

Ostensibly, leaders of all the world's governments came to the World Summit on Sustainable Development to solve the problem of sustaining economic development without environmental degradation. In fact, they came to put their noses in the feedbag.

About 100 heads of state came to Johannesburg, South Africa, for the World Summit on Sustainable Development. Japan alone brought 500 members in its official delegation. One hotel operator reported hiring 24 extra chefs. The top hotels in town stocked up on foods like Beluga caviar and champagne oysters. They expected the delegates staying in the hotels to consume 2,000 pounds of prime beef, 1,000 pounds of shellfish, and 400 pounds of salmon.

Tens of thousand of people attended. Travel costs alone were more than \$100 million. All told, the Jo'burg summit cost at least \$250 million. Putting that money into mosquito nets instead, says Roger Bates of Africa Fighting Malaria, "could avoid 7 million malaria cases and save the lives of 350,000 children per year."

The delegates were there to solve the problems of the poor, but didn't want to see them in person. The World Summit was centered in Sandton, an exclusive enclave of high-rise towers and fancy hotels, built in recent years to escape crime-ridden downtown Jo'burg. Before the summit, the street traders were cleaned out. Leon Louw, head of South Africa's Free Market Institute, observed that the authorities "have turned the place into a White Group Area with all signs of Africa removed." The world summit, he said, was creating a "Disneyland Fantasyland" for the pleasure of visiting delegates. In protest, hundreds of local hawkers of goods marched during the summit against their treatment by the authorities.

Among the heads of state in Jo'burg were such worthies as President Robert Mugabe of Zimbabwe, happy to escape his own crumbling economy. He was joined by President Sam Nujoma of Namibia, who declared recently that "British imperialism" is the real problem in Zimbabwe. "We cannot allow imperialism to take over our continent again," he said,

voicing a common view among African leaders. The top officials of undeveloped nations pressed the rich nations of the world to commit to large new infusions of foreign aid. Many of them were apparently convinced that outside forces are responsible for their current problems and hold the key to their future economic progress.

President George Bush was Public Enemy No. 1 in Jo'burg. Bush had the effrontery to stay at home to work on the problems of the U.S. economy and other pressing issues for his nation. Bush simply would not fit in with the Jo'burg crowd; his idea of a party is cleaning brush on his Texas ranch.

The leaders of the top nongovernmental organizations (NGOs) travel around the world in similar luxury. For example, the International Union for Conservation of Nature (IUCN) occupied a new building for the summit that put the headquarters of most American corporations to shame.

But not all the people who came to Jo'burg expected sushi and caviar. There were many smaller NGOs that operated on a shoestring. Some of their members scrimped and saved to make a pilgrimage to the World Summit. For them, it was a religious revival meeting to top all others. They came to hear secular incarnations of Billy Graham condemn the sins of the world — many of which are the work of American multinational corporations. There was a lot of talk of a new "earth charter" that would bind all the

creatures of the world — human and nonhuman — together in happiness and harmony.

Like all religious revivals, it was a festive occasion. There was a genuine sense of the coming together in Jo'burg of people from every nation. For true believers in the environmental credo of "sustainable development," the feeling of camaraderie was a powerful elixir.

Yet no one at the summit seemed to have any idea what "sustainable development" means. Almost every activity in the world today — from chemical manufacturing to setting aside forest reserves — has attached "sustainable" to its mission statement. It is the secular substitute for good and

All told, the Jo'burg summit cost at least \$250 million. Putting that money into mosquito nets instead could avoid 7 million malaria cases and save the lives of 350,000 children per year.

evil; the language of old-fashioned moral judgment is out of style these days, but a new language of "sustainable" and "unsustainable" has taken its place.

As religions go, modern environmentalism is closest to old-fashioned Calvinism. That is probably why it resonates so well in northern European countries where the Protestant

New Zealand, from page 28

and growth, providing opportunities for all, and a social safety net. A free and fair society does this without penalizing success with envy-driven taxation schemes.

A fair society does not turn those who work hard and accumulate wealth into pariahs, driving them offshore. We should reward effort, not take someone else's riches simply because we don't have them.

I believe New Zealand can and should be a more prosperous and fairer country, with greater personal freedoms, a more limited government, and open competitive markets.

Globalization, capitalism, and tolerance do wonderful things for people — cheap phones, the Internet, affordable cars, fresh vegetables out of season, unorthodox lifestyles, opportunities for all no matter what level of society a child is born into.

But the history of the world shows us that the alternative to individual liberty is paternalism, despotism, serfdom, tyranny, misery.

Three days after I became a list MP, Milton Friedman, an American economist and hero for freedom, turned 90 and was honored by George Bush at a White House ceremony. But even if Clinton was in office — or Carter or Reagan — this great American would still have been celebrated for using his brilliant mind to advance a moral vision.

In June this year Sir Roger Douglas was awarded the Hayek medal — the first time this honor has been given to someone outside Europe. The citation to Sir Roger stated: "This medal is presented to outstanding politicians, entre-

Reformation first took hold. A group of Swedish NGOs issued a formal statement declaring that "increased consumption" was the greatest threat to the future of the world.

Germany — the birthplace of Martin Luther — had the largest presence of any country in the exhibit areas. The think tank of the German Green Party, the Heinrich Boll Foundation, receives \$35 million per year in public funds. The Foundation offered nonstop seminars and put out the most widely read manifesto; the "Jo'burg-Memo" found that the central issue facing the world today is "changes in lifestyle, in the concepts of consumption and production, and in the understanding of individual and social purpose." A key part in the necessary religious revolution of the future would have to be played by "institutions of learning and faith."

It was a strange combination — kleptocratic leaders of impoverished nations, staid international bureaucrats networking with their counterparts from around the world, and true believers in a perfect — a "sustainable" — world to come. All of them, to be sure, came to Jo'burg to party in their own fashion.

They would have been better off staying home. There was nothing there to suggest that anything had been learned since the Rio summit ten years ago that offered the prospect of a better outcome. The words "central planning" were virtually never uttered but that is what it was all about: planning the future of the world in one large convocation, as if that could actually be done. □

preneurs and scholars who stand for the aims and values of a free society and who, as you did in your whole political life, courageously defend the principles of classical liberalism in our days."

Mr. Speaker, this house should be proud of this achievement by one of its eminent former members.

For one brief moment in time, at the end of the 1980s, the world looked to New Zealand as an example of greater economic freedom. Since then we've gone to sleep and allowed our country to wallow in complacency.

Perhaps Lord Acton was correct when he said the true friends of liberty are always few.

But I'm more optimistic. In my head and my heart I don't believe I'm very different from most New Zealanders in my aspirations. I'm just a girl from Ugly Hill Road but I'm proud of what I am — white, much loved mother of four, heterosexual, well-educated, and happy. I was born white and female, but I've worked hard at the rest.

I love excellence and I believe this country can be smart, happy, and liberated. It will be bumpy, but in this new Parliament I see individuals in every party who I know share my vision for a liberated country where children are protected, private property rights are secured, empowered parents can choose the best education, entrepreneurs can soar free from government restraint, and adults can pursue their lawful business unfettered by Orwellian legislation.

And, in the words of Joseph Conrad: "I would take liberty from any hand as a hungry man would snatch a piece of bread." □

Regulator, Unbundle Thyself

by Ted Roberts

What do you get when you mix a computer genius, a power-lusting trustbuster and a dim-witted *Wall Street Journal* editorialist?

Those who are ignorant of the blessings of private property lurk everywhere. Even in *The Wall Street Journal*. One of their columnists, whom I won't name — let's just call him Vladimir L. — writes often of the government's jihad against Microsoft. Vlad doesn't want to shutter Windows, the company's fine operating system, but he does believe the government "should require the software monopoly to expand consumer choice in its dominant operating system." In the capitalistic columns of *The Wall Street Journal*, yet. It was like meeting Satan in church. Even worse, he held the pulpit. Comrade L sounds like he'd be delighted to see the Windows OS all unbundled; naked, standing alone like a chimney of a burned-down house.

I wrote Vladimir (whom I assume is bilingual) a very sweet letter telling him how much I usually enjoy his column. However, I noted that if he's going to write for *The Wall Street Journal*, he should sharpen his understanding of private property rights: i.e., Microsoft built and owns an OS that belongs to Microsoft. Not to you or me or the government.

They can adorn it any way they want, I suggested to this pillager of private property, in order to present a more attractive or even less attractive choice to the consumer. It belongs to them like your pocket handkerchief belongs to you. They are allowed by the tenets of capitalism to enhance, reduce, or eliminate compatibility with other consumer choices — as long as they don't use a gun or knife to bolster sales. The marketplace will speak for the consumer as it always has. "Hmmm, I love that OS, but now I can't use browser X or whatchamacallit Y, so I won't buy the OS." That's choice enough.

The song that the Microsoft critics sing, once it's decoded,

is really a hymn of praise to that golden operating system. Evidently, it's so good that people would buy it even if it came wrapped in Bill Gates' unwashed underwear.

And why is there so much religious passion in the tone of the Microsoft critics? Why is it so difficult to understand that the marketplace is a far better evaluator of Microsoft's product than a federal judge who tries to synthesize, express, and enforce the whims of 20 million consumers whom he's never talked to? I don't get it. (And by the way, I have an iMac so there's no chauvinism in my attitude.)

There's not a lick of logic in Vladimir's exposition of Microsoft's villainy. His basic contention is that Microsoft, this wildly successful provider of services, discourages the use of competing auxiliary software like Web browsers and instant messaging, which customers would have to buy separately, at extra cost and risk technical problems. So? When the pain of incompatibility exceeds the gain provided by nimble software — don't worry — Billy G will get the message in his pocketbook like you get a 6 a.m. wake-up call on your clock radio. He'll be forced to mount that OS on a disc and make it a frisbee.

"They should require the software monopoly to expand consumer choice," says Vladimir L. Gulp! What a mouthful of nonsense for a *Wall Street Journal* journalist. Expand consu-

continued on page 40

The Party's Over?

by R. W. Bradford

As the Libertarian Party's membership plunged and it neared bankruptcy, its headquarters staff gave themselves "outstanding" performance reviews and "extraordinarily generous" vacation packages. Now, it looks like the party is over.

The question of whether the newly elected Libertarian Party National Committee and national chairman would deal with the national party's increasingly serious crisis appears to have been answered at the meeting of NatCom's executive committee on Aug. 21. The meeting, conducted by telephone, focused on setting the agenda for the Sept. 21 meeting of the full National Committee, but its real subject was the deepening financial crisis of the national LP.

The first item on the Executive Committee (ExCom) agenda was the treasurer's report. The party, treasurer Deryl Martin reported, had \$71,000 on hand and current liabilities of \$216,000. Chairman Geoff Neale reported that its situation had deteriorated by \$45,000 during the previous 19 days for reasons which he did not understand.

These figures did not include certain liabilities, including more than \$105,000 in payments to staffers for unused vacation time, accrued under what party secretary Steve Givot called an "extraordinarily generous" vacation time policy which had been established without the knowledge of the party's officers or directors.

And there were other irregularities: headquarters staff "acknowledged" that they had not deposited certain convention revenue into the convention account and had used the convention funds for other purposes. After listing a variety of reports he had requested from headquarters and apparently not received, Martin said, according to the minutes, that he "no longer has any faith in any reports that he is being presented by staff" and that he personally doubted some of the financial information that staffers provided him.

The committee passed a motion directing the party's outside auditors to prepare a written report on the "accuracy of

account receivables on our books as well as the effectiveness and propriety of the accounting controls in place by staff to accurately record and report such information," together with "a written statement from our auditors as to exactly what was included in *each* of their past three audits to confirm the accuracy of any accrued liability for vacation or sick time as well as a quantification of how much of each appeared on our financial records in the audited statements."

The committee passed a motion mandating a subcommittee to examine and report to the National Committee details of the staff's accrued overtime, sick leave, and personal leave; copies of all employee manual and procedures; "copies of all operational/procedures manuals, if they exist" and a list of employees and their job descriptions. Next the committee moved to have executive director Steve Dasbach provide a "mid-year assessment . . . regarding progress on all metrics . . . for which an employee is considered responsible" and projections of revenue and expenses for the balance of the year.

The committee then passed additional motions requiring that Dasbach prepare a report on how money has been raised and spent, including an explanation of any figures that varied by more than ten percent from the budget. Next

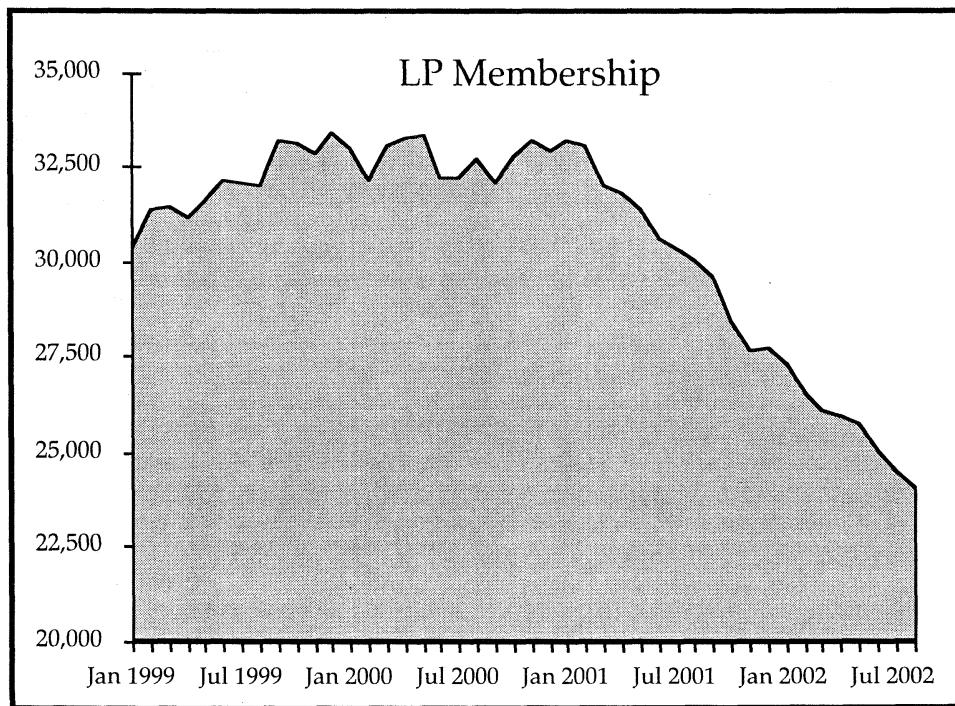
it considered a motion to have Dasbach prepare a "cost benefit analysis of all projects that have had the benefit of a special fund raising appeal . . . detailing the funds raised, in what manner they were raised, across what period of time, the direct cost of funds, . . . indirect costs, . . . staff time involved, and the results achieved as they relate to metrics for 2002." At this point, treasurer Martin reiterated that "he does not feel that he can trust the responses that staff will provide to such requests to be accurate," and Chairman Neale said that "if he were in staff's position and saw a simi-

Treasurer Deryl Martin reiterated that "he does not feel that he can trust the responses that staff will provide to such requests to be accurate."

lar request, he could conclude that he should be 'packing his bags.'" The motion passed.

But there was more. Dasbach was told to prepare an "updated" report on Project Archimedes, the direct mail membership campaign conducted in 1997-98 which was systematically misrepresented by party staffers to both the membership and the National Committee, and he was told that this report must be "a side-by-side comparison of numbers rather than an anecdotal report or summary." Then he was ordered to prepare a "summary" of how much time he had spent on each major item in the budget. Neale expressed concern that employee reviews showed "uniformly strong performance," something very unusual in his past business experience. Next, the ExCom told Dasbach to prepare detailed plans for cutting spending at the national office by \$10,000, \$15,000, and \$20,000 per month. This report, and all the others, were to be delivered to the NatCom members by Sept. 7.

Finally, ExCom decided that, to save costs, the only staffer who should attend the Sept. 21 NatCom meeting should be Dasbach and that no refreshments should be provided at the meeting.



The bottom line was as plain as plain could be: NatCom intended to find out what had gone so terribly wrong, and the LP's staff and especially executive director Steve Dasbach were going to be held accountable for the situation. The party had serious financial problems, party staffers had misused funds, failed to provide accurate information to the National Committee and treasurer, had adopted an "extraordinarily generous" policy regarding vacation for themselves, and could not be counted on to provide accurate information about what they were doing and how they were spending money.

As the party's chair said, the staff should be "packing its bags." A few days later, Dasbach, who had been working on a month-to-month basis, submitted his resignation.

The National Committee met on Sept. 21, as scheduled. Dasbach had failed to get the reports to NatCom prior to the meeting, so members were not as prepared to deal with the situation as they had intended to be. Most of the meeting was conducted in executive session (that is, with the press and public barred from attendance and members prohibited from talking about what had happened with anyone other than other members). Our reporter got only the sketchiest information, and the draft of the minutes contained little detail. The draft summary of the two-day meeting was less than a page long, compared to five pages for the minutes of the much shorter ExCom meeting. Perhaps the executive sessions and sketchy summary were products of an understandable reluctance to air the party's dirty laundry in public. Or perhaps the secrecy was the product of the unreliability of

the information in Dasbach's reports.

The minutes did report that the committee had passed two resolutions: one to accept Dasbach's resignation, the other acknowledging its financial difficulties, advising members that it is trying to deal with them, and asking for "understanding and support" from members. The actual contents of the various reports that Dasbach was

asked to prepare, as well as further information about the situation at party headquarters and the party's finances, were all discussed in executive session. Our reporter spent most of his time outside the meeting room while the committee met in executive session, and obtained information on only one discussion that did not show up in the meeting summary —

a discussion of a proposal to make the LNC's email list private. The proposal was tabled, because of fears that such an unprecedented move might give the appearance that the board is acting in secret.

If the items discussed at the ExCom meeting were followed up during the secret proceedings of the National Committee — and all indications are that they were — it appears that the National Committee is ready to fulfill its responsibility to oversee the party's national office. One person who was at the closed sessions told me that the LNC members felt like they were jurors and that Neale and Martin presented the evidence of mismanagement, incompetence, and worse at the national party's headquarters so compellingly that members felt they had no choice but to convict.

The days of staffers giving each other "outstanding" and "superior" performance reviews and "extraordinarily generous" vacations even while the party was edging toward bankruptcy seem to be coming to an end. As we go to press, a reliable source has told us that several other staffers have decided to resign.

George Phillies, who ran for the party's chairmanship as a more radical reformer than Neale, fears that NatCom has not done enough. "Geoff Neale ran for National Chair as a businessman, not a leader," he said. "He inherited a party operation in extreme disarray, with hundreds of thousands of dollars of debt. He has spent his time on operations, not communicating with members. Membership and revenue continued to plummet. The message 'there's been a serious change at National' still needs to be sent."

Phillies blames the mess at headquarters on 1996 and 2000 presidential candidate Harry Browne's "dream team" of party leaders — Perry Willis, David Bergland, Steve Dasbach, Bill Winter, and Ron Crickenberger. "They turned

out to be the 'nightmare' team: giving the party falling membership, declining revenues, escalating debt."

Michael Cloud, who was part of the Browne team until he decided to concentrate on political activities in Massachusetts, disagrees. He told me that cash shortages are quite normal in election years, and that treasurer Martin is a "liar." When I asked him whether he really meant this, he said that he did indeed, and that Martin actually did trust the party's staff to prepare accurate financial reports, and

Chairman Geoff Neale said that "if he were in staff's position and saw a similar request, he could conclude that he should be 'packing his bags.'"

was lying when he said that he didn't. In Cloud's view, the party's problems stem primarily from no longer having Perry Willis working for it. Willis, you will recall, was repudiated by the party after it was discovered that he had consciously violated his employment contract as the party's director by secretly working to help Harry Browne obtain the party's presidential nod.

Party members will judge for themselves how much credence to place in these views. What must be clear to everyone is that the party will no longer be able to function as it has in the recent past, and veil its incompetence behind a curtain of jiggled books and rosy promises of future progress. □

Eric Dubiel assisted with this article by reporting on the LNC meeting.

"Unbundle Thyself," from page 37

mer choice? That's a governmental prerogative? What Bill of Rights, what Declaration of Independence does Vladimir or the federal court read? Show me the words, please.

Here's an analogy. General Motors manufactures vehicles — including an operating system called a Chevy. Well, what if Chevy only sculpted their rims for one kind of tire — say Michelin. Or say the General Motors CEO called up the Michelin CEO and said, "Mich, tell you what I'll do. I'll put a notch and groove arrangement on my rims such that only Michelin fits. In return you must only sell Michelin to me. Your tire will be the original equipment. Your tire will be the *only* equipment forever and ever. And you and I and our 20 million shareholders will be happy and rich forever and ever."

Would GM do that? Why not? Some consumers who want a Goodyear tire would cold-shoulder the Chevy. The price of incompatibility in their eyes would outweigh the attraction of that nifty Chevy. Drivers who want a *choice* of original or replacement rubberware will avoid Chevies like they avoid a ditch beside the highway.

The consumer rules! That's as it should be. It's called a free marketplace.

And what about that sound system and temperature sys-

tem in my new Chevy? Wonder if it's made by Chevy or any manufacturer with whom they've made a deal. Wonder if a Bose (my preference) is compatible with a 2002 Chevy? Of course it is, for a price. So is X, Y, and Z with my Windows OS.

How about your daily newspaper with your favorite columnist? How about *The Wall Street Journal* that hosts Mr. L? He's as bundled as a Microsoft OS. I must buy the whole *Wall Street Journal* to read Vladimir. Why can't he be forced by a consumer-friendly government to unbundle his column? Microsoft, says the courts, "violated the antitrust laws by integrating its web browser into its Windows OS in an effort to freeze out other browsers."

Well, substitute Vladimir L's column for Web browser and *Wall Street Journal* for the Windows OS and it's a "gotcha!" If I want to read Vladimir, I must buy the entire *Wall Street Journal* to get his words. What about Trevor T? He's a really sharp computer columnist, but he doesn't write for the *Journal*. How fair is that to a technology-hungry consumer? Why don't they make Vladimir unbundle himself?

I just don't get it. We should take this choice out of the computer user's hands and place it before a federal judge who thinks a browser is a large quadruped that loves clover? Why doesn't he go after Campbell's Corporation — they've been getting away with bundling pork and beans for years. □

Reviews

Escape From Leviathan: Liberty, Welfare and Anarchy Reconciled, by J.C. Lester. St. Martin's Press, 2000, 246 pages.

Is the State Dispensable?

Kyle Swan

In the 1963 movie *The Great Escape*, Charles Bronson, Steve McQueen, Richard Attenborough, and James Garner are allied prisoners who devise an elaborate plan to tunnel out of Zagan, an "inescapable" Nazi prison specially designed to house "problem" POWs. J.C. Lester has designated for himself an only slightly less formidable task. Instead of Zagan, he intends to break free of Leviathan. He wants to escape the notion that a state is necessary to protect individual liberty, property, or welfare.

This is a version of radical libertarianism, according to which, in practice and in the long run, economic rationality, interpersonal liberty, human welfare, and private-property anarchy do not conflict. I think that this "extreme compatibility thesis" is probably false — perhaps Lester would even agree (p. 5) — but his defense of it manages to give it more than a veneer of plausibility. This is a wonderfully effective way to pull off a piece of philosophy and engage the casual reader.

Bold conjecture is the order of the day. Following this, Lester presents

highly nuanced and sophisticated defenses. Some might recognize this approach as critical rationalism, the epistemology Karl Popper advocated. The method is anti-foundationalist in the sense that Lester's compatibility thesis isn't justified in terms of other beliefs that are true and/or reasonable. Instead, his thesis is simply held out hypothetically, unsupported, and exposed to attempted refutations and possible falsification. I have doubts that this epistemological method is the best we can do. I don't see why there can't be a transfer of justification between two propositions, one of which is grounded in the other. Someone clever enough should be able to do this in a case for libertarianism. (Loren Lomasky identifies its foundation in a particular theory of practical reason in *Persons, Rights, and the Moral Community*. Alas, Lomasky's is no radical libertarianism.) Lester's book is engaging enough, though, that I'm willing to play along.

But making two (or even three or four) ideas logically compatible with each other doesn't have to be especially difficult. For example, and one that Lester discusses, determinism might be compatible with people hav-

ing free will. To be sure, the conception that a free will is one that is not determined by anything external to the agent isn't compatible with determinism. But that conception isn't the only one available. Instead, one might opt for a conception according to which one's will is free so long as it isn't interfered with, or compelled, by others. Determinism presents no logical problem for this conception of free will (or perhaps more precisely free agency). The very obvious point is that it may be very easy to make a set of terms logically compatible with each other simply by defining the terms in such a way that they don't conflict.

This raises three important questions for Lester. Firstly, how does he define the relevant key terms: economic rationality, interpersonal liberty, human welfare, and private-property anarchy? Secondly, do these concepts, as he defines them, conflict in practice? Finally, are his definitions of these concepts plausible? These questions suggest two ways to offer a refutation of Lester's thesis. On the one hand, someone might claim that there is, in fact, a conflict in these ideas, even on Lester's particular account of them. On the other hand, someone could show that Lester has offered one or more truncated, incoherent, or otherwise implausible definitions. If this is the case, it might occur to someone that the compatibility thesis is threatened when the key terms are suitably redefined.

Lester is clear and forthright about his definitions: "'interpersonal liberty' is 'not being imposed on by others'; 'general welfare' is 'people having their unimposed-wants satisfied'; 'market-anarchy' is 'unrestricted libertarian trade'; and the underpinning conception of 'rationality' is 'agents always attempt to achieve what they most want under the perceived circumstances'" (2-3). Not being imposed on, or interfered with, by others

not only seems compatible with unrestricted libertarian trade, it also seems to presuppose it. If that's right, and it's true that agents always attempt to achieve what they most want, then it seems right to think that they'll generally succeed in satisfying their unimposed wants. It sounds utopian, but according to Lester, this could work in practice, at least in the long run.

Is it all so simple? Why do we see so much poverty, homelessness, environmental catastrophe, unemployment, and so many other social ills? Lester has a ready answer, familiar to libertarians: "If you tell me what most worries you about the world, then I can often tell you how politics is the sole cause of it, or how politics considerably exacerbates it." (1).

Lester's is the best defense of radical libertarianism I've seen. I was surprised by how many times over the course of reading the book an objection I had been considering was put to

Lester displays a cunning knack for anticipating criticism and responding to it. Along the way, he treats the reader to a wonderful mixture of philosophical sophistication and hard-nosed libertarian policy advocacy.

rest by one of Lester's defenses. This is a testament to both Lester's philosophical ability and the depth he attains in the book. However, a critical rationalist is presumably interested in a bit of criticism.

I'll restrict myself to two modest ones. First, I think that either the four ideas are not strictly compatible, or, if they are, the compatible thesis becomes somewhat trivial. Secondly, I disagree flat-out with one of Lester's definitions.

Consider first a way in which Lester's conception of liberty might conflict with his conception of welfare or private-property anarchy, namely, that it may be very hard indeed for one to pursue one's welfare or employ

one's property without imposing on others. Lester recalls the issue raised by David Friedman that "turning on a light or striking a match can send photons onto the property of others, so, given absolute property rights, one cannot even do such trivial things without the permission of everyone affected" (73). A possible way to handle such cases would be to claim that liberty is not compromised when an imposition is legitimate or when it accords with a just or morally acceptable procedure. But Lester closes this door. He no doubt has many moral commitments, but he purposefully refuses to allow them any role in his arguments, which only go to the objective compatibility of the central ideas.

But that objective compatibility seems threatened by this case and an indefinitely high number of cases like it. In this particular case, a theorist seems forced to choose between an individual's absolute control of property and perfect liberty. The choice Lester apparently prefers is to give up perfect liberty: "Libertarianism need not pursue perfect liberty in cases where, as a matter of self-evident and ineluctable fact, perfect liberty is entirely unattainable. In such cases, libertarianism may consistently demand just that social arrangement which will yield the maximum liberty that is practically feasible" (74). In this passage, Lester admits the possibility of cases where his definition of liberty conflicts with his definition of private property. Given the existence of such cases, it would not be difficult to imagine cases in which liberty would also conflict with people's having their unimposed wants satisfied. Because of such conflicts, Lester decides to retreat from his proffered definition of liberty, "people not having a subjective cost initiated and imposed on them by other people" (58), to a different one where impositions on others are to be minimized. It turns out that "liberty admits of degrees" (59).

What will determine in these cases the extent to which impositions will be permitted? Presumably, in cases where the perceived conflict is between individual liberty and private property, it will be just those impositions that are compatible with protect-

ing another's property. Lester's discussion of copyrights is relevant here; he argues that they be protected in perpetuity (95 ff.). There are certainly some cases where this would impose costs on some who do not own the copyright, even those who, for example, won the race to the idea, but lost the race to the copyright office, or arrived at the idea later than, but independently of, the copyright holder. But such impositions are compatible with, or even required for, protecting property (and, according to Lester, the general welfare).

So Lester has achieved a kind of compatibility in these cases between

Lester's is the best defense of radical libertarianism I've seen.

private property and the maximization of individual liberty. But he has done so by rendering the compatibility thesis into something far less impressive. The bold conjecture he began with is weakened to the more judicious claim that liberty must be compromised in order to secure strong property rights. But who would have doubted this? Who would deny that private property is compatible with as much individual liberty as is attainable when perfect liberty (as Lester defines it) is unattainable? Besides, Lester actually had a choice here. Instead of allowing the protection of private property to condition the "amount" of individual liberty, he might have done the opposite. Perhaps his discussion of patents is relevant, since in the case of patents, he seems to do just that. While copyrights are given very stringent protections, Lester restricts the employment of patents. "If someone arrives at an idea that would otherwise probably have been arrived at by another person in, for instance, about a year, then he can have a full libertarian patent for only about a year (the kind or amount of investment involved is irrelevant to any claim)" (98).

I think Lester's definition of rationality is implausible. Lester basically accepts

the mainstream economist's conception of rationality as self-interested utility maximization, but with an amendment. Rather than taking the standard, objective, empirical approach to instrumental rationality, he opts for the "Austrian," subjective, aprioristic approach. The view on this approach amounts to the claim that "introspection and reason show that agents are instrumentally rational in the sense of being purposeful maximizers" (14); "to act at all is to do what one most desires, most wants, or thinks it best to do" (24). According to Lester, "This a priori sense does not imply egoism . . ." (11). The amendment is supposed to render the notion of instrumental rationality more realistic and therefore lend more credibility to the "conclusions of the (generally pro-market) economists, the conceptions of liberty and welfare, and thus the compatibility thesis" (2).

However, there is a simple and often-employed example that tends to cast doubt on Lester's definition: "agents always attempt to achieve

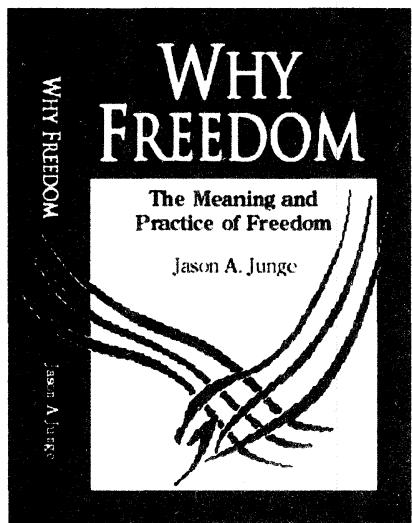
what they most want under the perceived circumstances" (3). He wants to capture the idea that to say A has a reason to do X means simply that A has an unimposed motive or desire that is furthered by doing X. But what if someone has a desire that is based on a false belief? I believe there is a glass of juice in front of me, which I want to drink. Actually, in the glass is gasoline. Do I have a reason to drink it? The right answer is no, since drinking it doesn't satisfy any desire I have (it rather conflicts with a pretty important one). But I would have been attempting to achieve what I most wanted under the perceived circumstances. My desire and actions makes perfect sense if I do drink the gasoline, but that's different than whether or not I had an objective reason to drink it. If I did know what was in the glass, I'd judge myself not to have any reason to drink from it. There would be no motive or desire of mine furthered by doing so.

The answer to the important question about what someone has reason

to do, then, seems to require that he have full information and impeccable reasoning skills. What someone has reason to do is what he would now want to do on the whole if all the consequences of all the different lines of conduct open to him were accurately foreseen. This supposition is wildly unrealistic, so doubt might be cast on the generally pro-market conclusions of economists and thus on the compatibility thesis.

My guess is that Lester has ready responses to these criticisms. Throughout the book he displays a cunning knack for anticipating criticism and responding to it. Along the way, he treats the reader to a wonderful mixture of philosophical sophistication and hard-nosed libertarian policy advocacy. Everything from interpersonal comparisons of utility, weakness of will, and the problem of altruism, to issues of social justice and equality, criminal justice and the law of torts, discrimination, and intellectual property receive thoughtful treatment.

Discover *Why Freedom*, By Jason A. Junge



April 2002, 251 pages.
 Hardcover 1-4010-3969-3 \$31.99
 Paperback 1-4010-3968-5 \$21.99

Available at Amazon.com, BN.com, and most other online and local bookstores

www.WhyFreedom.com



What is the importance and meaning of freedom to personal, political, and social self-fulfillment? How does our environment--our family, the government, and the media--mix with our biology to shape and taint our behavior, and therefore impact our ability to make choices? Thoroughly researched, *Why Freedom* synthesizes Philosophy, Evolutionary and Social Psychology, Biology, Physics, and Economics to answer these questions. Unveiling man's inherent freedom to seek self-fulfillment, this is a book you wish you'd read at 21!

"A thought-provoking treatment of freedom that brings a pragmatic approach to its abstract philosophical roots. Wide-ranging sources and controversial assertions will likely set you to rethinking at least some of your views on liberty."
 -- Free-Market.Net

"If the reader is interested in understanding how freedom plays a major role in every aspect of human life, Junge's book is a solid place to begin."
 -- ForeWordReviews.Com

In all of this, I think Lester does a good deal better than Steve McQueen and his cohorts. In the movie, all but three were eventually caught and most executed. Even so, it was a great escape. Similarly, the ultimate success of Lester's *Escape From Leviathan* isn't

that he actually escaped the all-powerful state. It's like McQueen's try to escape his pursuers by jumping over a fence, but instead landing in a pile of barbed wire. Pulling the twisted metal from his skin, he smirks. Caught. But not done in. □

A Personal Odyssey, by Thomas Sowell. Free Press, 2000, 308 pages.

The Soul of an Economist

Jane S. Shaw

I almost missed this wonderful book. Bruce Ramsey's review in *Liberty* (January 2001) is the reason. Ramsey started off making the book very attractive. With vivid anecdotes, he described how young Tom Sowell became "gifted at the art of putting down bureaucrats, bluffers, and mediocrities." And Ramsey told a story that might be emblematic of Sowell's approach to life — how, as a Marine, he got away with not cleaning his rifle, a tedious two-hour task that every Marine was supposed to do every day.

But Ramsey concluded his review warning the reader not to expect anything really personal here. "His biography is not about his feelings or his thoughts about the big questions of life. Much of it details a progression through classrooms, and searches for jobs in which he does not have to work for idiots. This will disappoint some readers." And this tocsin was echoed by a statement in the book's preface: "I promise not to bore the reader with my love life." Well, there are many books to read. I concluded that this book would be somewhat dry and academic and put it aside.

For some reason, I recently took *A Personal Odyssey* on a long airplane trip. I was thoroughly absorbed. All the way to Cancun, I alternately

laughed and wept. Since reading *A Personal Odyssey*, I have had a conversation with another reader of the book. We found ourselves retelling the best stories to one another, even though each of us had read them.

My enjoyment of this book undoubtedly has something to do with my high esteem for Thomas Sowell. For those who don't know much about him, Sowell is one of the foremost American economists. He wrote a classic of our era, *Knowledge and Decisions* (strangely missing from the list of his books at the beginning of this one), which builds upon the famous essay by Friedrich Hayek, "The Use of Knowledge in Society." He unpacks Hayek's insights to illuminate most of the problems of modern "liberal" society, from how justice is meted out to why people resist markets. And Sowell has done much more than that. For example, his *Conflict of Visions* helps us understand how a chasm between two views about human nature explains many of the intellectual conflicts in modern history; and his *Visions of the Anointed* illustrates how modern "liberals" succeed in maintaining their hold over so many people's thinking.

Yet in spite of his achievements, Sowell has been an object of intense hostility from intellectuals and the media. During the early 1980s, when reporters and editorial writers sought

ways to picture Ronald Reagan as benighted and conservatism as malicious, they treated African-Americans who did not toe the Democratic Party line as turncoats to their race. Although Sowell, an African-American, was not politically active, he was outspoken. In books, articles, and interviews, he failed to treat blacks as victims. He even pointed out some peccadillos, as when he noted that Patricia Harris, HUD secretary in the Carter administration and an African-American, had belonged to a sorority that accepted only light-skinned girls. (This caused an uproar and led Sowell to conclude that it is not criticism that hurts, but truth.)

Anyone who respects Sowell as I do naturally wants to know more about him, and this book tells it. No, not about his love life, but about a brilliant person with apparent handicaps (his race, his poverty, and his unwillingness to suffer fools being the leading ones) making his way in the world. As Ramsey noted, the rich collection of anecdotes begins with Sowell's early

Sowell's early life was spent resisting authority.

life in a black neighborhood in Charlotte, N.C., moves through his turbulent adolescence in Harlem, and then records his many — also turbulent — experiences as an economist.

From the first chapter, almost every page — no, every paragraph — turns up something interesting. For example, Sowell's early world (he was born in 1930) consisted almost entirely of black people. He didn't realize until his family moved to New York when he was 9 years old that most of the people in the United States are white. In Charlotte, his aunt Ruth worked as a maid in the home of a white family. Accompanying her there, he noticed that the kitchen had two faucets. "They sure must drink a lot of water around here," he commented. Ruth explained that the family had hot running water.

Much of Sowell's early life was spent resisting authority. Exactly why, I don't know, but his uncanny insight into bureaucracy and his skepticism

about people's motives fueled his rebellion, while also enabling him to get away with it. When he lived in Harlem, he had numerous confrontations, first with teachers and then with the court system. At one point, a teacher told him to pick up a magazine that had fallen to the floor after some roughhousing in the classroom. Stating that he hadn't put it there, he refused. The teacher snatched the report card he had just received and, holding her grading pencil, threatened to deduct

Sowell didn't realize until his family moved to New York when he was nine that most of the people in the United States are white.

ten points from every grade on it. Confident that she could not change the official grades recorded in the school office, he told her just that. Wilting, she threw the card back on his desk.

How this truculent teen, who left home at age 17 with his possessions in a cheap cardboard suitcase, became a prominent economist is the burden of this book. Many of Sowell's recollections must have stuck in his mind because they taught him something, such as bureaucracy (his treatment by Columbia University introduced him to "academic ethics") and learning (a statement he read by mathematician Charles Sanders Peirce taught him to "avoid having your own definitions trap you in beliefs that would not stand up under scrutiny").

Some stories intertwine his professional, intellectual, and personal life. For example, while he taught at Cornell, Sowell became increasingly concerned about his son, who was approaching age four and still could not speak. At the same time, Sowell faced the last step of the arduous Ph.D. process at the University of Chicago, foreign language examinations in French and German. Rather than having to return to Chicago for these, Sowell was allowed to take the examinations from a visiting professor from Mississippi, Earl J. Hamilton.

In the course of their conversations,

Sowell told Hamilton about his despair over his son. The professor assured him that if he just accepted his son, gave him love and attention, and stopped pushing him to talk it would turn out all right. Sowell changed his attitude and, indeed, before the final examination in German, his son had begun to speak.

At the end of the German oral, Hamilton said, "You are a free man." Sowell comments: "The irony was not lost on me that I was being set free by a white Mississippian. He had also set my son free — from silence." Sowell's

son turned out to be extremely gifted in mathematics, and Sowell wrote a book called *Late-Talking Children*.

Sowell's objectivity about race did not mean that he was indifferent to the fate of black children who lacked opportunity. At Cornell in the 1960s he created a summer program that was designed to help African-American high school students prepare for college. But he quickly found himself at odds with the emerging *Zeitgeist* of the period, which held that any disadvantaged minority students deserved the best remedial education that could be

Notes on Contributors

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

Baloo is the nom de plume of Rex F. May.

Thomas W. Bentley III is a student at Roger Williams University.

Stephen Browne is a teacher and freelance writer who has lived in Eastern Europe since 1991.

John Bergstrom is a cartoonist and illustrator in southern California whose website is www.attackcartoons.com.

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

Scott Chambers is a cartoonist living in Arizona.

Deborah Coddington is a member of the New Zealand Parliament.

Stephen Cox is a professor of literature at the University of California San Diego and the author of *The Titanic Story*.

Michael Drew is a writer living in Berkeley, Calif.

Bettina Bien Greaves is co-compiler of *Mises: An Annotated Bibliography*.

David Hackworth is a retired army colonel and author of *Hazardous Duty* and co-author of *About Face* and *Vietnam Primer*.

Chris Henderson is a writer living in Avon, Ind.

Keith Knight is a San Francisco cartoonist whose website is kchronicals.com.

Richard Kostelanetz has published books of poetry, fiction, criticism, and cultural history.

Frank Laffitte is a freelance writer living in Fayetteville, N.C.

Wendy McElroy is editor of *ifeminists.com* and author of *The Reasonable Woman: A Guide to Intellectual Survival*.

Robert H. Nelson's most recent book is *Economics as Religion*.

Randal O'Toole is senior economist with the Thoreau Institute and author of *Reforming the Forest Service*.

Durk Pearson is co-author with Sandy Shaw of *Freedom of Informed Choice: FDA vs. Nutrient Supplements*.

Frank Ricciardione is a retired New York City police sergeant living in San Diego, Calif.

Ted Roberts is a freelance humorist living in Huntsville, Ala.

Timothy Sandefur is a College of Public Interest Law Fellow at the Pacific Legal Foundation.

Jane S. Shaw is a senior associate of the Political Economy Research Center in Bozeman, Mont.

Sandy Shaw is a research scientist, best-selling author, and rabble-rouser.

Tim Slagle is a stand-up comedian living in Chicago whose website is www.timslagle.com.

Ken Sturzenacker is a long-time libertarian activist and former television news producer.

Kyle Swan is a visiting assistant professor of philosophy at the College of Charleston in Charleston, SC.

Martin Morse Wooster is a writer living in Silver Spring, M.D.

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

Sowell wanted to recruit the most talented and most motivated minority students. He prevailed initially, but not for long. When one student slacked off, Sowell wanted to dismiss him. But the department chairman overruled him, and the reduced expectations had a destructive effect on the motivation and morale of the other students. Sowell never repeated the program.

Certainly, if Sowell had a more accommodative personality, his per-

sonal odyssey would have been quite different. He might have spent more time in university faculty meetings or in government offices, and he might have become a more popular figure. Instead, he became known as reclusive. On the favorable side, however, his choices left him more time for his writing, time that was well spent in creating masterful works. As Bruce Ramsey said, "those who know Sowell's work will find value in this book..." No caveats needed. □

The Greenwich Village Reader: Fiction, Poetry, and Reminiscences, 1872–2002, edited by June Skinner Sawyers. Cooper Square, 2002, 727 pages.

SoHo, by C.L. Byrd. Doubleday, 1981, 511 pages.

gentrified during the mid-20th century (and cheap rents there became scarce after 1970 or so), the East Village succeeded it as a genuine bohemia dominated by political and social radicals with a scattering of writers and even fewer artists. Rock 'n' roll, for instance, had a presence in the East Village while the West was more hospitable to jazz. The only authors born after 1940 living in the West Village nowadays are slicksters and journalists.

By contrast, the neighborhoods to the south of Greenwich Village are something else. That area west of West Broadway has less definition with modest residential buildings east of Varick Street (extending Seventh Avenue south) and offices to the west of that dividing line. (Viking-Penguin inhabits a Saatchi edifice on Hudson Street, extending Eighth Avenue.)

The neighborhood south of West Houston Street but east of West Broadway became known as SoHo in

Literary Neighborhoods

Richard Kostelanetz

If only for the richness and variety of the selections, *The Greenwich Village Reader* transcends all previous books known to me about the subject, which has always represented to me the closest semblance of libertarian heaven. This thick anthology demonstrates that a compendious compilation can sometimes treat a subject more thoroughly than a volume written by only one person. Among the authors selected are Henry James, William Dean Howells, O. Henry, John Reed, Theodore Dreiser, Djuna Barnes, Edna St. Vincent Millay, Joseph Mitchell, Chandler Brossard, Lionel Trilling, Anatole Broyard, Sinclair Lewis, Mary McCarthy, Judith Malina, Edmund Wilson, Michael Harrington, and Madison Smartt Bell. After I read it

from cover to cover, the only major omissions occurring to me are my late friend Ned Polksky's "The Village Beat Scene," which was reprinted in his book *Hustlers, Beats & Others* (1967), and anything about Village music or modern dance.

In her introduction, the book's editor circumscribes Greenwich Village with Broadway to the east and West Houston Street to the south, implicitly clarifying that the neighborhoods to the east and south have always been different in ways not immediately apparent, especially to those residing outside New York.

East of Broadway, which was called the East Village in the early 1960s, had inferior housing stock, more ominous streets (particularly in its eastern precincts), and immigrant populations. As the West Village became increasingly

SoHo was home not to dozens of artists, but to hundreds, if not thousands.

the late 1960s. In its heyday, it was not a bohemia like the Villages, but something else — an artists' colony. However, whereas most American artists' colonies were built on empty land, like Fire Island, or in under-populated hamlets, like Provincetown or the Springs, SoHo was made in empty industrial spaces. And, unlike previous colonies, SoHo was home not to dozens of artists, but to hundreds, if not thousands. If a typical Village apartment had, say, 700 square feet, the minimum legal space in SoHo was 1,200 square feet. Some artists lived and worked in as many as 11,000 square feet. (My own home had 1,900 square feet, giving me space enough for 16,000 books.) One measure of the difference between a bohemia and an artists' colony is that writers are scarce in the latter and political radicals even scarcer.

What SoHo artists also discovered was ways of successfully inhabiting open space, creating a model for well-

heeled people who would have previously preferred an apartment with many rooms. Once they wanted such interiors for themselves, prices for both renting and buying in SoHo escalated spectacularly. By 1980, aspiring artists settled elsewhere, initially to areas east of SoHo and later to outlying burbs.

The point of this digression is that an East Village reader, which someone ought to do, would have different contents, probably beginning with chapters from Henry Roth's *Call It Sleep* (1934) and including writers who initially published in languages other than English. A SoHo reader would likewise be yet something else.



SoHo is the name of a novel published in 1981 by C.L. Byrd, identified on the dust-jacket flap as "the pseudonym of

One measure of the difference between a bohemia and an artists' colony is that writers are scarce in the latter and political radicals even scarcer.

two writers closely involved with the New York art world." I didn't notice it when it first appeared. Nor does anyone I know remember it. A postal card that I send to "Byrd" at Doubleday, asking their real identities, did not get a reply.

I inadvertently discovered *SoHo* last year while surfing the Internet and purchased a used copy that had previously belonged to a library in Stony Creek, Conn. The library slip attached to my copy's back page reveals it was borrowed nearly 20 times between 1981 and 1983, one satisfied reader perhaps recommending it to another, and then only a few times since.

In my copy is pasted the promise, apparently from promotional literature, of:

a multigenerational saga of a family of Jewish immigrants and their success in the worlds of business and art. When Eli Dinsky, a six year-old Russian Jew arrived in New York with his mother in 1913, the area of Manhattan just above the financial

district was known as "The Valley," for its lack of tall buildings created a dent in the soaring skyline. But in the next generation things were to change for both the family and the area — fortune and family feuds for Eli, the bohemian atmosphere for a rapidly growing cultural and artistic center for SoHo. When finally the family future seemed assured, the past reappears, as haunting and dangerous as the empty shells of buildings surrounding the Danskys. Rich in period

detail, with colorful characters and an intriguing plot, the novel, recounting the family's rise above its immigrant origins, will appeal to a broad spectrum of readers: New Yorkers, Jews, immigrants, and art lovers alike.

A bestseller *SoHo* surely wasn't. This is unfortunate. *SoHo* has knowledgeable descriptions of the neighborhood in the mid-20th century, including characterizations of the kinds of entrepreneurs who dominated a turf

THE INDEPENDENT INSTITUTE
proudly announce the
2003 OLIVE W. GARVEY
FELLOWSHIPS

*Fellowships will be awarded for the best essays on the topic:
"The progress of freedom depends more upon the maintenance of peace and the spread of commerce and the diffusion of education than upon the labor of Cabinets or Foreign Offices." —Richard Cobden*

Essays may be submitted by college students (undergraduate or graduate) or junior faculty members (assistant professor or higher, untenured), 35 years of age or younger. Deadline: May 1, 2003.

Student Category:

For essays of no more than 3,000 words

First Prize — \$2,500

Second Prize — \$1,500

Third Prize — \$1,000

Faculty Category:

For essays of 5,000-8,000 words

First Prize — \$10,000

Second Prize — \$5,000

Third Prize — \$1,500



For complete entry details, please contact:

The Independent Institute

100 Swan Way, Dept. GS, Oakland, CA 94621-1428

Phone: 510-632-1366 • Fax: 510-568-6040

E-mail: Garvey@independent.org

Website: <http://www.independent.org>

Look for *The Independent Review* on better newsstands and in bookstores!

beneath the radar of large corporations — not only manufacturers of buttons and small landlords, like the Danskys, but gallerists and restauranteurs, not to mention artists both successful and not. Mike Fanelli's venue is accurately described as "a small, friendly bar — like a saloon in a fin de siècle photograph — with signed pictures of boxers hanging on one wall. The customers were predominantly blue-collar workers from the neighborhood, though it was hard to distinguish them from the artists among them, who wore proletarian denim shirts and dungarees or overalls."

Consider the accurate evocation of Canal Street on a weekday in 1966:

A number of stores had, in effect, burst and spilled out onto the street, so that their wares were displayed in irregularly ascending rows of trays and boxes — some resting on trestles, some on other boxes — in the way that fruit and vegetables were arranged outside old-fashioned green-grocers. In front of one store were containers of vacuum tubes, condensers, transformers, loudspeaker cones — everything the radio or hi-fi enthusiast could require — the price of each item boldly stated on a hand-lettered card. Another shop offered plumbing supplies — mundane objects that became exotic isolated out here on the street — and a third displayed sneakers, sandals, and several kinds of work boots, all crowded onto a kind of miniature bleachers. A cascade of legal pads, ledgers, typewriter ribbons, old calendars, pencil sharpeners, ink pads, and desk lamps overflowed from an office supply company. Nearby were rolls of garden hose, brass rods, hacksaw blades, nuts and bolts, hatchets, frying pans, bathroom cabinets, casters, door handles, toilet paper holders — the contents of a hardware store that had been turned inside out — and next to that a cluttered assemblage of electric motors in all sizes and shapes.

This is so wonderful I wish I wrote the passage; that's why I quoted it at length.

Having read the book from beginning to end, all 511 pages, during a long airplane flight, I still wonder who wrote *SoHo* and so publish this appreciation in part with the hope that "C.L. Byrd" will identify themselves. □

Principles and Heresies: Frank S. Meyer and the Shaping of the American Conservative Movement, by Kevin J. Smart. ISI Books, Year, 348 pages.

Prophet of Liberty

Martin Morse Wooster

Get a bunch of libertarians together, and you'll usually find that one of the perennial topics of conversation (usually the one just after, "Say, what do you think of Ayn Rand?") is whether libertarians are part of the left, part of the right, or have nothing in common with liberals or conservatives.

My answer is that some libertarians are leftists, some rightists, and, given that there aren't that many libertarians, that everyone should be nice to each other. It's thanks to Frank S. Meyer that we can ask this question. For, as Kevin J. Smart shows in his interesting biography of Meyer, if Meyer had not been active in the 1950s and 1960s, it's likely that the conservative movement would have evolved in a more statist direction. Meyer was the most freedom-oriented of the conservatives that came to prominence with the rise of National Review.

Your interest in *Principles and Heresies* will depend on how interested you are in the internecine quarrels of conservatives in the 1960s. Smart, a historian at Indiana University (South Bend), isn't that concerned about Meyer's inner life; one gets a hazy sense reading this book of what Meyer was like as a father or as a friend. But what emerges is a very strong sense of what Meyer's ideas were — and why they still matter.

Born in 1909, Meyer spent his early years as a committed Communist organizer. After World War II, he had a cri-

sis of political faith. What appears to have happened to Meyer is that he read F.A. Hayek's *The Road to Serfdom* and Richard Weaver's *Ideas Have Consequences* at roughly the same time, and cobbled together a political philosophy that combined elements of libertarianism and conservatism.

Given the shifting nature of Communist doctrine, ex-Communists were very good at defining and resolving arguments. So when *National Review* started in 1955, Meyer joined on as literary editor, a position he held until his death in 1972. But Meyer was also the conservative movement's chief ideologist, the man who defined to the outside world what conservatism meant.

Meyer's response was to develop a philosophy he called "fusionism," which he explained in his most important book, *In Defense of Freedom* (1962). In foreign policy, Meyer was a hardline Cold Warrior. Domestically, he was a moderate libertarian.

Meyer did many things that libertarians would admire. He homeschooled his children, in an era when homeschooling was illegal. He had a long argument with *National Review* copy editor Arlene Croce (who later became *The New Yorker*'s dance critic) in which he said that "liberalism" should be capitalized when referring to current politicians, in order to differentiate them from the classical liberals of the 19th-century. And Meyer opposed the draft — and, in a move quite radical at the time — allied him-

Classified Ads

Business

Life, Liberty and Property — That was the credo of the age of reason and the American Revolution. Show your support for liberty and wear this beautifully inscribed pewter BADGE OF FREEDOM depicting an American revolutionary soldier. www.badge-of-freedom.com

AYN RAND'S NEW YORK — Five 2 1/2 hour walking tours of Manhattan, focusing on where Rand lived, buildings connected with *The Fountainhead* and *Atlas Shrugged*, and sites relating Rand to Broadway, movies and publishing. See our website: "centurywalkingtours.com" for our 2002 schedule. Email Fred Cookinham at fcookinham@juno.com or call 718-397-9019. Also, "Revolutionary Manhattan": four tours of little-known Revolutionary War sites.

Employment

Editorial Position Available — *Liberty* seeks to fill a full-time editorial position. Excellent editorial skills required, including manuscript evaluation, working with authors, copyediting and proofreading. The successful candidate will be well-organized, accustomed to meeting publication deadlines, and able to flourish in a non-hierarchical work environment. Experience with desktop and web publishing a plus. Salary commensurate with experience and ability. Send résumé and salary requirements to R.W. Bradford, *Liberty*, P.O. Box 1181, Port Townsend, WA 98368 or email rwb@cablespeed.com.

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

Literature

Fellow Libertarian sell books, music, and movies at: <http://www.amazon.com/seller/todig@forpresident.com>.

The Titanic Story by Stephen Cox. Truth is more fascinating than myth. This readable and entertaining new book cuts through the myth of the

Classified Advertising is available for 50¢ per word, ten words minimum. Email addresses, telephone numbers, and URLs are charged as 7 cents PER CHARACTER. Ask us for requirements on adding your logo to your ad. 10% discount for six or more insertions. Payment must accompany order (check or money order only). Please suggest classification. Deadline for next issue: Oct. 6, 2002.

"arrogance" of capitalism and modern technology and gets to the real story — the drama of individuals coping with the risks of human life. Send \$9.95 to Liberty Book Club at P.O. Box 1181, Port Townsend, WA 98368.

Ayn Rand and Her Movement — an interview with Barbara Branden. Ayn Rand's close friend discusses the inner circle of the Objectivist movement. Learn what it was like to be a companion of the woman who thought of herself as "the world's greatest political philosopher." Send \$4 to Liberty Publishing, P.O. Box 1181, Port Townsend, WA 98368.

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

Health

Trouble eating 5-9 servings of fruits and vegetables daily? www.lucysim.com.

Personals

SWM, 28, libertarian atheist ISO free-market F in D.C. www.ben5.com.

Websites

The slaughter and slavery of the weak and helpless is incompatible with liberty. Support compassion over cruelty — check out www.liberty4all.org.

Gifts

A Perfect Gift at a Perfect Price. Gift box blessings. Bath & body gift box jewelry and more. Nurturing to the body, mind, and spirit. Thoughtful, pure, & natural. Unique & affordable. Appropriate for all occasions: romance, get well, relaxation, apology, energy, thank you, birthdays, anniversary, holidays, and more. To order go to www.pattysheart.com or call toll-free 1-866-4-Pattys (1-866-472-8897).

self with like-minded leftists.

In developing his ideas, Meyer had the tacit support of William F. Buckley. Buckley's views were best explained by Milton Friedman, in an interview with Brian Doherty. Buckley, according to Friedman, is "not a libertarian. But neither is he a socialist. . . . His National Review had a tremendous influence in providing a base for collaboration between the libertarians on the one side and the free-market conservatives on the other." The man who made the collaboration possible, according to Friedman, was Frank Meyer.

Meyer's influence was felt in several ways. According to Smart, National Review editors fought over

Meyer was the most freedom-oriented of the conservatives that came to prominence with the rise of National Review.

many things, at quarterly editorial conferences known as "agonies." One faction, led by William F. Buckley's sister, Priscilla Buckley, and National Review executive editor James Burnham, was what we would now call neo-conservative. Burnham and Priscilla Buckley thought that, in order for conservatism to be "respectable," rightists should accept the welfare state in return for a hardline anti-Communist foreign policy. But these editors were usually outvoted by Meyer, William Rusher, and L. Brent Bozell, who preferred a more market-oriented conservatism.

Another sign of Meyer's influence can be seen in an incident that didn't happen. Conservatism in the 1960s defined itself in part by the people expelled from the movement. There was a sharp, nasty break with the John Birch Society and a more nuanced separation from die-hard Southern segregationists.

However, despite the efforts both of such hard-core libertarians as Karl Hess and Murray Rothbard and such statist conservatives as Russell Kirk and Ernest van den Haag, National Review made no attempt to expel liber-

tarians from the conservative movement. Historians can't, of course, explain why things didn't happen, but it's likely that Meyer's argument that libertarians and conservatives had many ideas in common carried the day.

Libertarians, of course, have many differences with conservatives — about defense, drug policy, and the

size and purpose of government. But as Smant shows, some libertarians are comfortable considering themselves part of the right. And perhaps Frank Meyer's lasting legacy is to ensure that conservatives and libertarians discuss their differences as a civilized argument between friends, and not as an intellectual heresy that can only be resolved by excommunication. □

Booknotes

Too Smart for His Own Good? — I'm not alone, I'm sure, in thinking that a book of cultural criticism should have a substantial biographical note for a writer to establish his or her authority. And so in reading *Smart Jews* (University of Nebraska Press, 1996, 255 pages.), a provocatively titled volume by a writer previously unfamiliar to me, Sander L. Gilman, I looked for signs of authorial authority. None appears within the book itself — other than his report in the preface of an invitation to give lectures at the University of Nebraska. *Smart Jews* also lacks a card page, as it is called, across from the title page, behind the half-title page, where an author can list his previous titles.

Only on the dust-jacket, which might have been eliminated from a library copy, did I find that "Sander L. Gilman is Henry R. Luce Professor of the Liberal Arts in Human Biology at the University of Chicago." All those capital letters notwithstanding, what kind of "postmodern" information is this? Is this particular Gilman (not the drama critic Richard G. or the football coach Sid G.) a cultural historian? A sociologist? A "humanistic" biologist? The nephew-in-law of a media mogul? A pseudonym? A fiction perhaps? Is the lack of conventional departmental designation meant to tell the cognoscenti that this Gilman must be superior to mere profs of one or another recognizable discipline? Isn't the reader abused when told someone is Very Important but not why?

The one-paragraph bio note continues by mentioning four previous

"works": *Difference and Pathology: Stereotypes of Sexuality, Race, and Madness*; *Jewish Self-Hatred*; *Anti-Semitism and the Hidden Language of Jews*; and *Inscribing Order*. Those titles don't answer the questions about intellectual authority or even a disciplinary identity as much as display an indisputable taste for certain academic lingo, which naturally attracts those predisposed to the lingo while repelling those who aren't (such as myself).

A professor friend thinks this bio note reflects laziness from both the author and his publisher "because it takes some social energy to imagine an audience and to try to explain to them what your expertise is and how and where you were educated or what you are interested in or any other intellectually identifying mark. Just to name your most recent potboilers and leave it at that is demonstrably lazy." In that case, the bio note epitomizes the principal quality of the book as a lazy compilation with a sharp title. Nothing but nothing is more conducive to pigritude than smugness.

Once I got to the book's footnotes, I noticed that, slight self-identification notwithstanding, modesty is not among Professor Gilman's virtues, as he repeatedly cites his earlier publications. I then began to realize that the book's skimpy biographical note is finally smug — designed to assume that for this Gilman ordinary badges of authority might be unnecessary. This smugness is meant in turn to impress, I guess, those who already know something about Professor Gilman while alienating those, such as myself, who are unfamiliar. What is gained for Gilman or his

publisher by such smugness (other than a needlessly circumscribed audience)?

What publishing strategy could be yet more smug? No biographical note at all, of course — just like *Moby Dick*, *Hamlet*, or the Bible.

— Richard Kostelanetz

Gen-X Orphan — Dave Eggers

Eggers is a young author who is inspired by his personal tragedies, comic family situation, and his fellow twenty-something generation Xers to create, in his own words, "a memoir-y kind of a thing." Eggers displaces the sorrows and anxieties he has as a young orphan who struggles to raise his 8-year-old brother in a memoir whose title is both daring and true: *A Heart Breaking Work of Staggering Genius* (Simon & Schuster, 2000, 375 pages).

Before the action gets started, the preface and acknowledgments demonstrate a masterful piece of prose while setting a comedic tone for the rest of the novel. The story begins with the death of Eggers' parents but quickly changes focus to the aftermath. Eggers leaves his hometown outside of Chicago and moves with his siblings to San Francisco where he encounters a booming generation-X culture. The rest of the story plays out the enormous possibilities of a 21-year-old orphan as he makes his way through the early nineties balancing the role of guardian to his 8-year-old brother, attempting to lead a normal social life and founding and editing *Might* magazine. Those looking for a typically thick plot line will be disappointed after the first few chapters: Eggers deals almost exclusively — yet brilliantly — with everyday events, tangible characters and their subsequent dialogue.

AHWOSC is not a sob story. Eggers copes with the death of his parents by living a life of triumph and comedy rather than defeat or sorrow. Eggers' genius is to be found in his fascinatingly contagious narration voice that reveals his extremely unique and lovable personality. Eggers is very young and as a Pulitzer Prize finalist, has shown potential to be a great American author. However, fans of good writing should be just a little fearful that Eggers may not be able to follow up such a masterful work: *AHWOSC* is hard to beat.

— Thomas W. Bentley III

Letters, from page 6

the WTC attacks. I think there is an excellent possibility that those on board reacted the same way that those on board Flight 11 reacted: by resisting the hijackers. Why wouldn't they? They had nothing to lose. The alternative to trying to thwart the terrorists was to face a death even more certain — and being an unwilling participant in a much greater act of terrorism.

Correction²

In "The Geography of Taxes" (September), R. W. Bradford has a problem with his interpretation of the correlation of .32 between gross personal income and state taxes per capita. He noted that "There was an inverse correlation of .32, meaning that lower taxes per capita account for 32% of the increase in gross personal income. This correlation surprised me. While I suspected that a lower tax bite would mean higher growth, I was surprised to see such a strong correlation . . ."

Had he interpreted the correlation correctly, he wouldn't have been quite so surprised. A correlation coefficient by itself is virtually meaningless. It is only when it is squared that it can be interpreted in a meaningful way. $(.32)^2$ yields what some statisticians refer to as the coefficient of determination or the common variance. This is .1024 in this case, and means that the lower taxes per capita account for only 10.24% of the increase in gross personal income.

This is an all too common error, given the shoddy teaching of statistics in America. I've seen research articles in economics, social sciences, and biomedical journals where the author is gleeful over a statistically significant (at the five percent level) correlation of .14. Alas! When squared that means 95 times out of 100 only 2% of the variance in one variable can be predicted if the distribution of the other variable is known. That's almost as bad as predicting by throwing darts at a wall blindfolded.

After much pressure from guys like me, many editors of research journals have begun to require that the r^2 value follow the correlation in parentheses.

Given my political bias, I would have liked for the correlation to have

been .57 which would have made your 32% prediction accurate.

James Lee
Athens, Ohio

Bradford responds: Mr. Lee is correct. I apologize to anyone who has been misled by my article.

Here is how the error occurred. My knowledge of statistics is limited. After I derived the correlation coefficient, I called a former editor who had been our staff expert on matters statistical to ask him just what a correlation coefficient of .32 means. He replied that lower taxes per capita account for 32% of the increase in gross personal income. This seemed dubious to me, as I wrote in the article, so I went to an outside expert. My doubt did not result from any slight statistical knowledge that I may possess, but from my sense that attributing 32% of the increase in GPI to gross taxes per capita overestimated the relationship. Nevertheless, the expert I consulted concurred with the interpretation of our former editor; and I went to press. The mistake, of course, remains my own responsibility. Obviously, I ought to have been more resourceful in having my work expertized.

My thanks to Mr. Lee for pointing out my error.

The Psycho-Epistemology of Wit

I write about Paul Rako's article "Ayn Rand Goes to West Hollywood," (October) about the filming of *Atlas Shrugged*.

But first, a joke; one of the few Objectivist jokes in existence, I'm sure:

Mr. X: "Did you hear they're going to be making a TV miniseries out of *Atlas Shrugged*?"

Mr. Y: "Oh, really?"

Mr. X: "Yes, one segment will be the plot, and the other three will be shots of people listening to John Galt on the radio."

Now, Mr. Rako's suggestion that the above novel be made as porno was a joke, but it was certainly better than his "real" suggestion. I mean, come on: no Eddie Willers, James Taggart, nor Ragnar Danneskjöld, or Midas Mulligan? I'd rather have a porn version of *Atlas Shrugged* out there for people to see because it would generate

interest in the book without generating false expectations. At least 90% of porn movies that actually have a plot are parodies, and as such are to be taken with a grain of salt. Noted examples are *The Sperminator*, and *Edward Penishands*.

The movie to be made is not *Atlas Shrugged*, but *Non-Contradiction*. This, of course, is the title of the first third of the novel, and it should be made as close to the book as possible. It would end with the Wyatt oil conflagration, a perfect ending for a movie with a child on the way. If the free market rewards the picture with the capital to make *Either-Or* and *A=A* then they should be made together, to save costs, and released a year or two apart, a la *Lord of the Rings*. If there is anything the movie business likes, it's sequels. Making a gutted version of *Atlas Shrugged* as a single movie doesn't leave any room for any. But you can bet that if all three "Atlas series" movies were big at the box office, someone would write a fourth sequel. It might be really (*John Galt: Beyond Thunderdome*) terrible, but who knows?

I'd go to see a film of *Atlas Shrugged*, unless it was porn, in which case I'd rent it.

Paul Scott Williams
Denver, Colo.

Humor Must Be Metaphysically Appropriate

For some time now *Liberty* has been printing flimsy articles about Ayn Rand. Now we are treated to Paul Rako urinating on *Atlas Shrugged*. Given the likelihood that most of your readers, whether Objectivists or not, have found inspiration from this novel, you are driving a lot of them away, including me.

Warren Gibson
San Carlos, Calif.

Rako responds: I apologize if I have offended my neighbor in San Carlos. As I tried to make clear in the article, I read *Atlas Shrugged* when I was 14 and it had a profound effect on me. I have reread it many times since and still find it wonderful. A jaunty piece suggesting a radical simplification of the story for mass consumption is hardly urination. I beg Mr. Gibson not to prove my point that we have no sense of humor, else I must conclude: "I have met the enemy and he is us."

Strictly Speaking

In "The Problem of Original Intents" (October) William R. Tonso makes a mistake about the constitutionality of abortion. The U.S. Constitution defines only the relationship between the federal and state governments and the relationship between government and individuals (the amendments), nothing more. Nowhere does the U.S. Constitution define or regulate the relationship between individuals and other individuals, this is reserved to the states (Tenth Amendment). The Constitution prohibits government encroachment upon individual rights, but it does not prohibit *individual* encroachment upon individual rights.

Abortion, depending on how you view it, is either an individual's action toward herself or an individual's actions toward another individual. So the answer to Tonso's question, "How is abortion a constitutional issue at all?" is simple — it isn't. It is a matter that must be settled by the individual states. Perhaps the only time where federal intervention in the abortion issue is warranted is if state governments force individuals to commit abortions without due process of law, which undoubtedly is a blatant violation of the 14th Amendment (and the Fifth Amendment if the federal government is in question).

W.B. Hendricks
San Antonio, Tex.

Abandoning Our Rights

Just as William R. Tonso has it, the Second Amendment "guarantees individual Americans a right to keep and bear arms." It is anachronistic, not because George Will says it is, but

because the American people, for time out of mind, have demonstrated beyond peradventure their refusal to use the means appointed. The arms to which the Second Amendment referred were not only the musket over the mantle and the horse pistol in the drawer. The American arms, that the British detachment at Lexington attempted to seize, were powder and cannon. Arms are what armies have.

Enforcement of the Constitution by force of arms involved a particle of risk. One particle too many, evidently, for modern Americans. To avoid the risk, Americans have permitted their government to assume monopoly of the use of force. With force the state extracts money. With money the state creates force. Positive feedback renders said assumption irreversible.

Once you grant to the state a monopoly on the use of force, you no longer possess the option of changing your mind. You are no longer a citizen, Ducky. You are a subject.

Jack Dennon
Warrenton, Ore.

Vice and the Law

Todd Seavey's approach to the cigarette issue ("Freedom of Choice, Cigarettes, and Thomas Szasz" October), i.e. legal laissez faire coupled with social concern, would be an excellent model for a societal response to any form of "self-medication." I use the term broadly, to cover not only prescription and nonprescription drugs but also supplements, alternative, and holistic medicine. Some writers have extended this concept to include consumption of alcohol, tobacco, and illegal drugs, and this makes perfect sense

if "self-medication" is defined as ingestion or application of any substance or treatment for purposes of curing an ailment, enhancing health and well-being, or altering one's mood, attitude, or perceptions. That last should certainly cover addictive substances, ranging from mildly addictive ("happy hour") to severely addictive (heroin addiction as Seavey describes it), and is obviously not always compati-

ble with conventional ideas of health and well-being. So for purposes of definition at least, we have to fall back on each individual's concept of what *they* need in any given circumstance i.e., not argue with their reality or their felt needs. This sounds like total subjectivism, but we don't give up at that point.

Seavey is absolutely correct in that social concern is not the same as social "policy" (read "laws, crime, and punishment"). The goal should be to minimize coercive social policy down to the "libertarian" level while heightening social concern. It should be clear, moreover, that social policy is not always *based* on social concern, and this makes it especially difficult to root out. If it were based on genuine social concern, one would expect, even in an authoritarian system, to see a rough correlation between the direct social impact of a given form of self-medication and the degree of restriction on it, or the severity of punishment for doing it. Instead, we have notorious mismatches, like that between tobacco and marijuana. Why is this? One thing is clear right off the bat — there are greater restrictions on "feel-good" drugs than on "feel-less-bad" drugs, or ones that have a neutral effect on emotional state. This, I submit, is a direct effect of residual Puritanism in our society, or its use as a front by a cynical ruling class. It seems that it's still wrong to feel better than one ought to. More profound than this is the issue of "mind-altering" drugs. Here we run into not only the Puritan prohibition against having too much fun, but a broader and more insidious prohibition against having, or sampling, or becoming aware of, a different "reality", one that competes with the one we are supposed to subscribe to in order to be good citizens.

Religious wars — notoriously the most fierce — are always between two versions of reality, and the government's "War on Drugs" has a religious zeal that would be the envy of any Islamic militant. A person or group will defend their reality with more fanaticism than they will their country, home, or family, or even their own physical survival. A society has an agreed-upon reality that is, on the most basic level, implicit and held unconsciously. Everyone gets along as long



"That's right, Senator — Demographic analysis shows that your best running mate would be a liberal Northeastern cat."

as no one questions the basic premises — the axioms, the core principles. But let someone try and break out, and the penalties are severe, because even if there are no demonstrable social costs, it constitutes a grave threat to the smug and self-satisfied metaphysics and epistemology of the dominant group. There are accepted ways of being and knowing, and you violate them at your peril. Hence the violent reactions to the rise in mind-altering drug use during the 1960s. But hence, also, the other extreme of the spectrum, namely the Szasz position and other forms of metaphysical and epistemological indifferentism. We should be able to see how society overreacts to threats to the approved version of reality without having automatically to aid and abet all possible alternatives. We can also express genuine social concern — and, yes, charity — without passing the buck to government, with all the resulting abuses, blunders, and injustices which will surely follow.

If there is one "gray area" in all of this, it's in terms of *potential* social harm. Even if we allow individuals the

right to harm themselves or take their own lives, accepting whatever social costs may result (e.g., the leaving of orphans), do we have the right to constrain those who are considered a danger to others, not because of any crime already committed, but of the likelihood of one being committed? Should the paranoid schizophrenic with violent tendencies be pre-emptively locked up, or do we adopt the equivalent of a "one bite" law even in that case? Do we wait for him to attack someone? For that matter, isn't this almost precisely the argument we're having these days about Saddam Hussein? I suppose a pure libertarian position would be to wait and see — to never strike first. What if the schizophrenic (or the dictator) *announces* that they're going to go out and kill someone as soon as possible? Does society have any rights in that case? (Maybe he's joking. Do schizophrenics know their own mind?) Apparently some do, but many don't.) Should libertarianism be tempered with common sense and discretion, as Seavey implies in the case of children's rights? We don't consider children

insane, as a rule, but we don't consider them totally sane either — not in the adult sense. Would I trust the kid next door with a weapon of mass destruction? No — no more than I would an insane adult, or Saddam for that matter. Unless we prefer to hide our heads in the sand, we're going to encounter a few of these "tough cases" now and then, and I think one could preserve the "spirit" of libertarianism in each case, even while appearing to violate the pure letter. I also think that this "gray area" (which isn't really all that gray) is going to be quite narrow, not the vast, echoing gulf that's been excavated by the academics and the courts over the past few decades. And of course, a libertarian system should be capable of self-correction based on results. It would certainly beat the current system, which is blinded by habit, leftover Puritanism, and a level of fear verging on panic when anyone tries to act according to their own vision of the world and their place in it.

David W. Witter
Sterling, Va.

Kennewick Man, from page 30

of this civilization and an abandonment of its ingrained gods — progress, growth, exploitation, technology, materialism, and power — will do anything substantial to halt our path to environmental destruction. . . ." Thus, as Virginia Postrel describes in *The Future and Its Enemies*, left and right are converging in a single, anti-progress party. Old-fashioned liberal scientists, advocates of the welfare state and the progressive application of science to politics, are at last confronted with the monster they have created: groups demanding the right to be tolerated for intolerance (billing itself as "pride" or "liberation") and which dispute the very possibility of science.

Of course, not all Indian tribes are hostile to science and discovery, although many of them are. (Vine Deloria Jr., a Sioux and author of the foreword to *Skull Wars*, a book about the Kennewick Man controversy, writes that "Within our lifetime, the differences between the Indian use of the land and the white use of the land will become crystal clear. The Indian lived with his land. The white destroyed his land. He destroyed the planet earth.") But the Kennewick Man controversy is only the tip of a much larger iceberg: leftist hostility to modernism.

This is a crisis of liberal political philosophy, and its real world consequences are not going away with the Bonnichsen court's vindication of science. The opinion may still be appealed, and, more importantly, several new skeletons have since been discovered, dating back 10,000 years or so. Some of these have already been lost, such as one skeleton

found in Idaho, which the Shoshone destroyed in 1991. "Spirit Cave Man," discovered 50 years ago in New Mexico, and only recently dated, was reviewed by the Bureau of Land Management and declared *not* to be culturally affiliated with an Indian tribe; but the NAGPRA Review Committee reversed that decision in late 2001 and ordered the bones turned over to the Fallon Paiute-Shoshone tribe; that dispute is still pending. A state law in California, which would have required all state universities to examine their collections for skeletons with Indian affiliation, and turn them over to tribes, has been amended and is still in committee. A review of NAGPRA's regulation of "unaffiliated" skeletons is going on now, and scientists hope that they will be at least allowed a voice in the decision. But so long as dogmatism is considered a respectable philosophical position, these controversies will continue, and will grow worse. What is now an argument within liberalism will spill over into a society-wide conflict with dangerous consequences: indeed, it already has. Environmentalist terrorist groups have already blown up laboratories and destroyed decades of research, blocked the use of "golden rice" and other genetically modified foods, and scared the bejeezus out of people whose lives could be vastly improved by food irradiation or gene therapy. Like hippies at the 1968 Democratic Convention, multiculturalists and radical environmentalists are breaking down the doors of the more respectable left, who wonder, naively, where these hooligans came from. □

Indianola, Iowa

Evidence that lethal weapons should be entrusted only to law enforcement officials, as reported by the Associated Press:

Jon Carl Petersen, 41, was arrested Tuesday after driving with a blood alcohol level more than twice the legal limit as he chased and threatened with a gun a group of teenagers who had thrown toilet paper at his house.

Petersen will be allowed to carry a weapon and continue his duties as head of the Iowa office of the Bureau of Alcohol, Tobacco and Firearms.

Montreal

Dispatch from the War on Drugs, from the *Telegraph*:

Disa Eythorsdottir, an American bridge player, was stripped of her silver medal won at the World Open Championships for refusing to take a drug test.

Sweden

Proof of the superiority of health care under socialism, as reported in the *New York Times*:

A report by the Swedish government released this month has revealed that at any given time, ten percent of the country's work force is on sick leave.

Winona, Minn.

Innovation in local government finance, as reported in the *Winona Daily News*:

The Winona City Council plans to raise \$200,000 next year by charging property owners for the rain that falls on their land.

New Haven, Conn.

Sad news for Objectivist entrepreneurs, from a feature in *U.S.A. Today*:

Jeffrey Sonnenfeld, CEO of the Leadership Institute at Yale University, says executives who take refuge in the capitalist utopia of *Atlas Shrugged* are "reading themselves into a trance of defensive self-delusion."

Seattle

Nutritional advance in Ecotopia, from a report in the *Peninsula Daily News* of Port Angeles, Wash.:

Deep-fried Twinkies are the latest hit among school children and adults in Seattle. The fad caught on after the fried Twinkies were sold at a fair that came to town in August.

Le Lavandou, France

European advances in life extension, from a dispatch from *Reuters*:

The mayor of Le Lavandou, a French Mediterranean town, faced with a cemetery "full to bursting," has banned local residents from dying until he can find somewhere else to bury them.

Dover, N.H.

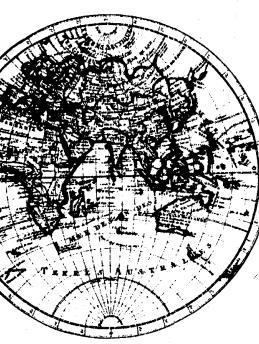
A dispatch from the War on Drugs, from the Associated Press:

Police arrested nine current and former McIntosh College students on drug charges Tuesday, as the city police chief said he was pushing federal prosecutors to seize, under federal drug forfeiture laws, a college dorm where most of the suspects lived.

Cambridge, Mass.

Advance in manners in the academy, as reported in the *St. Petersburg (Fla) Times*:

The Massachusetts Institute of Technology issued an apology to Canadian brothers Ray and Ben Lai for using a picture of armed and armored character Valerie Fiores from the Lai brothers' comic book *Radix* to illustrate a press release announcing its having been awarded a \$50 million government grant.



The press release told readers to "Imagine the psychological impact upon a foe when encountering squads of seemingly invincible warriors protected by armor and endowed with superhuman capabilities, such as the ability to leap over 20-foot walls."

Edwin L. Thomas of MIT's Institute for Soldier Nanotechnologies issued the apology, which MIT posted on its website, when comic book artists Ray and Ben Lai issued a "cease and desist" order after trying for five months to get an acknowledgement and apology.

Detroit

Dispatch from the War on Terror, from the *Detroit Free Press*:

Luminita Marinas, 62, pleaded guilty Wednesday to littering after making a plea agreement that limits her to feeding squirrels no more than one 8-ounce cup of nuts under four trees in John F. Kennedy and Spindler parks, two 8-ounce cups behind her Nine Mile store, two 8-ounce cups near her apartment complex on Kelly Road, and two 8-ounce cups near a tree on Norton Avenue.

New Zealand

Advance in worker safety in progressive New Zealand, from the *Dominion Post*:

Censors at New Zealand's Office of Film and Literature are being given funds to overcome "psychological pollution" encountered in their work, by taking instruction in aerobics and playing the piano.

Seattle

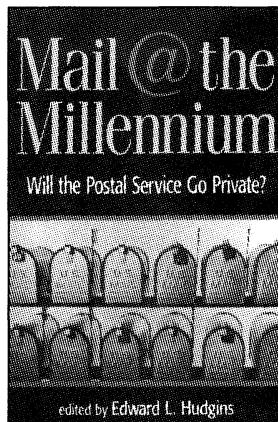
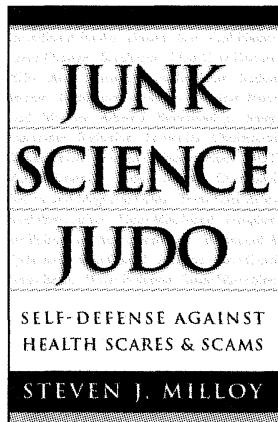
Environmentalists lose one in court, as reported in the *Seattle Times*:

The state Court of Appeals ruled yesterday that the water running through a drainage pipe 15 feet below the south parking lot of Northgate Mall is not a creek deserving of stringent environmental safeguards.

Special thanks to Russell Garrard, Owen Hatteras, Elias Bean, and William Walker for contributions to *Terra Incognita*.
(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or email to terraincognita@libertysoft.com.)

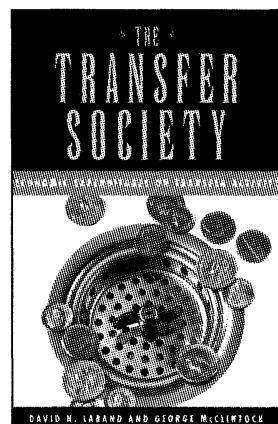
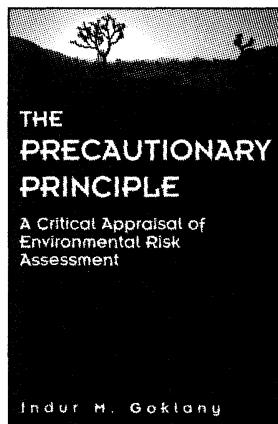
Important Reading from the Cato Institute

Scared by all the news of risks to your health from food, consumer products, and the environment? Fear no more. This book debunks numerous health scares and scams and shows you how to defend yourself against them before you get hurt. You don't need to be a scientist to protect yourself from those who profit by lying about your health! Cloth \$18.95 ISBN 1-930865-12-0



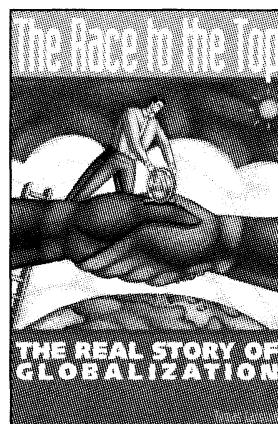
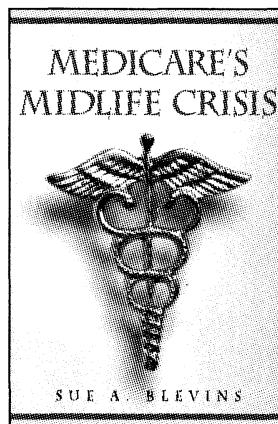
The rise of the Internet and the proliferation of private package-delivery services have brought the U.S. Postal Service to a crossroads. As more people correspond and pay bills online, what is the role of the Postal Service? Do we really need a monopoly that continues to run huge deficits, or is it time to consider other options? Sixteen economists, scholars, and business leaders offer a variety of answers. Cloth \$19.95 ISBN 1-930865-01-5/ Paper \$10.95 ISBN 1-930865-02-3

The "precautionary principle"—a "better safe than sorry" rule—is increasingly invoked to justify government regulations to stop potential environmental problems such as global warming, genetically-modified foods, and DDT. The author argues that not halting such potential crises might entail health risks, but so might their regulation: He argues that a balanced application of this principle cautions against aggressive regulation. Cloth \$17.95 ISBN 1-930865-16-3



How much do Americans spend each year taking wealth from others or protecting their own wealth from being "redistributed"? From locks to lobbyists, cops to campaigns, Americans spend over \$400 billion a year on either taking someone else's wealth or protecting their own. This book makes a significant contribution to both political science and economics in terms a layman can understand. Cloth \$19.95 ISBN 1-930865-10-4/ Paper \$8.95 ISBN 1-930865-11-2

Most Americans know little about Medicare even though they rely upon it. Sue Blevins examines the program's origins, its evolution, and future policy options to reform it. Medicare fails to provide catastrophic coverage yet costs far more than originally estimated. Until Americans learn the real history of Medicare, they won't understand how to reform it. Cloth \$16.95 ISBN 1-930865-08-2/Paper \$8.95 ISBN 1-930865-09-0



Swedish journalist Tomas Larsson takes the reader on a fast-paced, worldwide journey from the slums of Rio to the brothels of Bangkok and shows that access to global markets helps those struggling to get ahead. While critics of globalization focus on the hardships caused by international competition, Larsson sees the opportunities that competition offers to those seeking a better life. A highly readable book full of good news. Cloth \$18.95 ISBN 1-930865-14-7/Paper \$9.95 ISBN 1-930865-15-5

CATO
INSTITUTE

Available at fine bookstores, or call 1-800-767-1241 (12-9 eastern, Mon.-Fri.)
Cato Institute • 1000 Massachusetts Ave., N.W. • Washington, D.C. 20001

www.cato.org



WHAT WOULD YOU DO FOR FREEDOM?

The Free State Project is a new strategy for liberty in our lifetime.

We don't want to wait decades for most citizens in the U.S. to realize that the nanny state is an insult to their dignity. For those of us who already understand the debilitating effects of a government bent on reducing liberty rather than increasing it, the Free State Project aims at liberty in a single state.

Twenty thousand liberty-lovers will move to a single state.

What can be done in a single state? A great deal. We will repeal state taxes and wasteful state government programs. We will end the collaboration between state and federal law enforcement officials in enforcing unconstitutional laws. We will repeal laws regulating drugs and guns. We will end asset forfeiture and abuses of eminent domain. We will privatize utilities and end inefficient regulations and monopolies. Then we will negotiate directly with the federal government for more autonomy.

The state we choose will be decided by the membership. We have done extensive research on all the candidate states, and continue to refine and expand our data. The vote will be conducted according to the method of Cumulative Count, which more closely approximates the ideal of individual choice than simple majority rule.

The Free State Project is a real solution for libertarian frustration.

Ask Walter Williams, esteemed economist and author, who endorsed the Free State Project in his recent syndicated column titled "Parting Company."

Ask Claire Wolfe, who says about the Free State Project, "A free state might just give free people enough protection to establish such things and show the rest of the world what can be done... Let's think seriously about this."

Join the Free State Project.

Take part in a rapidly growing movement aimed at securing liberty in our lifetime. We don't want your money, just your signature — and when the time comes, your willingness to carry through on your word of honor.

Want to know more?

- Visit our website at www.FreeStateProject.org
- Email us at info@FreeStateProject.org
- Write to us at Free State Project, 565 College Drive Suite #C-160, Henderson, NV 89015